

Senate File 2187 - Introduced

SENATE FILE 2187

BY CHELGREN

A BILL FOR

1 An Act eliminating public employee collective bargaining and
2 including effective date, applicability, and transition
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

PUBLIC EMPLOYEE COLLECTIVE BARGAINING REPEAL.

1
2
3 Section 1. Section 1C.2, subsections 2 and 3, Code 2011, are
4 amended to read as follows:

5 2. a. State employees are granted two days of paid leave
6 each year to be added to the vacation allowance and accrued
7 under the provisions of section 70A.1. ~~In addition, an~~
8 ~~appointing authority shall grant not more than four additional~~
9 ~~days of paid leave each year as required to implement contract~~
10 ~~provisions negotiated pursuant to chapter 20.~~

11 b. The executive council may designate days off from
12 employment with pay in addition to those enumerated in this
13 section for state employees at its discretion.

14 3. If a holiday enumerated in this section falls on
15 Saturday, the preceding Friday shall be granted and if a
16 holiday enumerated in this section falls on Sunday, the
17 following Monday shall be granted. In those cases, where by
18 nature of the employment a state employee must be required to
19 work on a holiday the provisions of subsection 1 shall not
20 apply, however, compensation shall be made on the basis of the
21 employee's straight time hourly rate for a forty-hour workweek
22 and shall be made in either compensatory time off or cash
23 payment, at the discretion of the appointing authority ~~unless~~
24 ~~otherwise provided for in a collective bargaining agreement.~~
25 Notwithstanding any other provision of this section, an
26 employee of the state who does not accrue sick leave or
27 vacation, and who works on a holiday, shall receive regular pay
28 for the hours worked on that holiday and shall not otherwise
29 earn holiday compensatory pay.

30 Sec. 2. Section 2.10, subsection 8, Code 2011, is amended by
31 striking the subsection.

32 Sec. 3. Section 2.40, subsection 1, paragraphs a and d, Code
33 2011, are amended to read as follows:

34 a. A member of the general assembly may elect to become a
35 member of a state group insurance plan for employees of the

1 state established under chapter 509A subject to the following
2 conditions:

3 (1) The member shall be eligible for all state group
4 insurance plans on the basis of enrollment rules established
5 for full-time state employees ~~excluded from collective~~
6 ~~bargaining as provided in chapter 20.~~

7 (2) The member shall pay the premium for the plan selected
8 on the same basis as a full-time state employee ~~excluded from~~
9 ~~collective bargaining as provided in chapter 20.~~

10 (3) The member shall authorize a payroll deduction of
11 the premium due according to the member's pay plan selected
12 pursuant to section 2.10, subsection 4.

13 (4) The premium rate shall be the same as the premium rate
14 paid by a state employee for the plan selected.

15 *d.* A member of the general assembly who elects to become
16 a member of a state health or medical group insurance plan
17 shall be exempted from preexisting medical condition waiting
18 periods. A member of the general assembly may change programs
19 or coverage under the state health or medical service group
20 insurance plan during the month of January of odd-numbered
21 years, but program and coverage change selections shall be
22 subject to the enrollment rules established for full-time state
23 employees ~~excluded from collective bargaining as provided in~~
24 ~~chapter 20.~~

25 Sec. 4. Section 2.40, subsection 2, paragraphs a and e, Code
26 2011, are amended to read as follows:

27 *a.* The part-time employee shall be eligible for all
28 state group insurance plans on the basis of enrollment rules
29 established for full-time state employees ~~excluded from~~
30 ~~collective bargaining as provided in chapter 20~~ and shall have
31 the same rights to change programs or coverage as are afforded
32 such state employees.

33 *e.* A member of a state group insurance plan pursuant to this
34 subsection shall have the same rights upon final termination of
35 employment as a part-time employee as are afforded full-time

1 state employees ~~excluded from collective bargaining as provided~~
2 ~~in chapter 20.~~

3 Sec. 5. Section 2C.11A, Code 2011, is amended to read as
4 follows:

5 **2C.11A Subjects for investigations — disclosures of**
6 **information.**

7 The office of citizens' aide shall investigate a complaint
8 filed by an employee who is not a merit system employee ~~or~~
9 ~~an employee covered by a collective bargaining agreement~~ and
10 who alleges that adverse employment action has been taken
11 against the employee in violation of section 70A.28, subsection
12 2. A complaint filed pursuant to this section shall be made
13 within thirty calendar days following the effective date of
14 the adverse employment action. The citizens' aide shall
15 investigate the matter and shall issue findings relative to the
16 complaint in an expeditious manner.

17 Sec. 6. Section 8.56, subsection 3, Code 2011, is amended
18 to read as follows:

19 3. The moneys in the cash reserve fund shall only be used
20 pursuant to an appropriation made by the general assembly. An
21 appropriation shall be made in accordance with subsection 4
22 only for the fiscal year in which the appropriation is made.
23 The moneys shall only be appropriated by the general assembly
24 for nonrecurring emergency expenditures ~~and shall not be~~
25 ~~appropriated for payment of any collective bargaining agreement~~
26 ~~or arbitrator's decision negotiated or awarded under chapter~~
27 ~~20.~~ Except as provided in section 8.58, the cash reserve fund
28 shall be considered a special account for the purposes of
29 section 8.53 in determining the cash position of the general
30 fund of the state for the payment of state obligations.

31 Sec. 7. Section 8.58, Code Supplement 2011, is amended to
32 read as follows:

33 **8.58 Exemption from automatic application.**

34 ~~1-~~ To the extent that moneys appropriated under section
35 8.57 do not result in moneys being credited to the general

1 fund under section 8.55, subsection 2, moneys appropriated
2 under section 8.57 and moneys contained in the cash reserve
3 fund, rebuild Iowa infrastructure fund, environment first
4 fund, Iowa economic emergency fund, and taxpayers trust fund
5 shall not be considered in the application of any formula,
6 index, or other statutory triggering mechanism which would
7 affect appropriations, payments, or taxation rates, contrary
8 provisions of the Code notwithstanding.

9 2. ~~To the extent that moneys appropriated under section~~
10 ~~8.57 do not result in moneys being credited to the general fund~~
11 ~~under section 8.55, subsection 2, moneys appropriated under~~
12 ~~section 8.57 and moneys contained in the cash reserve fund,~~
13 ~~rebuild Iowa infrastructure fund, environment first fund, Iowa~~
14 ~~economic emergency fund, and taxpayers trust fund shall not be~~
15 ~~considered by an arbitrator or in negotiations under chapter~~
16 ~~20.~~

17 Sec. 8. Section 8A.402, subsection 1, paragraph g, Code
18 2011, is amended by striking the paragraph.

19 Sec. 9. Section 8A.402, subsection 2, paragraph g,
20 subparagraph (1), subparagraph division (b), Code 2011, is
21 amended to read as follows:

22 (b) For the purposes of this paragraph "g", "*supervisory*
23 *employee*" means a public employee ~~who is not a member of a~~
24 ~~collective bargaining unit and~~ who has authority, in the
25 interest of a public employer, to hire, transfer, suspend, lay
26 off, recall, promote, discharge, assign, reward, or discipline
27 other public employees, to direct such public employees, or
28 to adjust the grievances of such public employees, or to
29 effectively recommend any such action.

30 Sec. 10. Section 8A.411, Code 2011, is amended to read as
31 follows:

32 **8A.411 Merit system established — collective bargaining —**
33 **applicability.**

34 1. The general purpose of this subchapter is to establish
35 for the state of Iowa a system of human resource administration

1 based on merit principles and scientific methods to govern the
2 appointment, compensation, promotion, welfare, development,
3 transfer, layoff, removal, and discipline of its civil
4 employees, and other incidents of state employment.

5 ~~2. It is also the purpose of this subchapter to promote the~~
6 ~~coordination of personnel rules and policies with collective~~
7 ~~bargaining agreements negotiated under chapter 20.~~

8 ~~3.~~ 2. All appointments and promotions to positions covered
9 by the state merit system shall be made solely on the basis of
10 merit and fitness, to be ascertained by examinations or other
11 appropriate screening methods, except as otherwise specified
12 in this subchapter.

13 ~~4.~~ 3. Provisions of this subchapter pertaining to
14 qualifications, examination, certification, probation, and just
15 cause apply only to employees covered by the merit system.

16 Sec. 11. Section 8A.413, unnumbered paragraph 1, Code 2011,
17 is amended to read as follows:

18 The department shall adopt rules for the administration of
19 this subchapter pursuant to chapter 17A. ~~Rulemaking shall~~
20 ~~be carried out with due regard to the terms of collective~~
21 ~~bargaining agreements. A rule shall not supersede a provision~~
22 ~~of a collective bargaining agreement negotiated under chapter~~
23 ~~20.~~ Notwithstanding any provisions to the contrary, a rule
24 or regulation shall not be adopted by the department which
25 would deprive the state of Iowa, or any of its agencies or
26 institutions, of federal grants or other forms of financial
27 assistance. The rules shall provide:

28 Sec. 12. Section 8A.413, subsections 3, 13, 16, 19, and 20,
29 Code 2011, are amended to read as follows:

30 3. For pay plans covering all employees in the executive
31 branch, excluding employees of the state board of regents,
32 after consultation with the governor and appointing
33 authorities, ~~and consistent with the terms of collective~~
34 ~~bargaining agreements negotiated under chapter 20.~~

35 13. For transfer from a position in one state agency

1 to a similar position in the same state agency or another
2 state agency involving similar qualifications, duties,
3 responsibilities, and salary ranges. Whenever an employee
4 transfers or is transferred from one state agency to another
5 state agency, the employee's seniority rights, any accumulated
6 sick leave, and accumulated vacation time, as provided in
7 the law, shall be transferred to the new place of employment
8 and credited to the employee. ~~Employees who are subject to~~
9 ~~contracts negotiated under chapter 20 which include transfer~~
10 ~~provisions shall be governed by the contract provisions.~~

11 16. For layoffs by reason of lack of funds or work, or
12 reorganization, and for the recall of employees so laid off,
13 giving consideration in layoffs to the employee's performance
14 record and length of service. An employee who has been
15 laid off may be on a recall list for one year, which list
16 shall be exhausted by the organizational unit enforcing
17 the layoff before selection of an employee may be made from
18 the promotional or nonpromotional list in the employee's
19 classification. ~~Employees who are subject to contracts~~
20 ~~negotiated under chapter 20 which include layoff and recall~~
21 ~~provisions shall be governed by the contract provisions.~~

22 19. For establishment of a uniform plan for resolving
23 employee grievances and complaints. ~~Employees who are~~
24 ~~subject to contracts negotiated under chapter 20 which include~~
25 ~~grievance and complaint provisions shall be governed by the~~
26 ~~contract provisions.~~

27 20. a. For attendance regulations, and special leaves of
28 absence, with or without pay, or reduced pay, in the various
29 classes of positions in the executive branch, excluding
30 positions under the state board of regents.

31 ~~a.~~ ~~Employees who are subject to contracts negotiated under~~
32 ~~chapter 20 which include leave of absence provisions shall be~~
33 ~~governed by the contract provisions.~~

34 b. Annual sick leave and vacation time shall be granted in
35 accordance with section 70A.1.

1 Sec. 13. Section 8A.414, Code 2011, is amended to read as
2 follows:

3 **8A.414 Experimental research projects.**

4 The director may conduct experimental or research
5 personnel-related projects of limited duration designed
6 to improve the quality of the employment system. The
7 provisions of section 8A.413 or administrative rules adopted
8 pursuant to that section are waived for the purposes of
9 such projects. ~~Projects adopted under this authority shall~~
10 ~~not violate existing collective bargaining agreements. Any~~
11 ~~projects that relate to issues covered by such agreements or~~
12 ~~issues that are mandatory subjects of collective bargaining~~
13 ~~are subject to negotiations as applicable.~~ The director
14 shall notify the chairpersons of the standing committees on
15 appropriations of the senate and the house of representatives
16 and the chairpersons of the appropriate subcommittees of
17 those committees of the proposed projects. The notice from
18 the director shall include the purpose of the project, a
19 description of the project, and how the project will be
20 evaluated. Chairpersons notified shall be given at least two
21 weeks to review and comment on the proposal before the project
22 is implemented. The director shall report the results of the
23 experimental research projects conducted in the preceding
24 fiscal year to the legislative council by September 30 of each
25 year.

26 Sec. 14. Section 8A.415, subsection 1, paragraph a, Code
27 2011, is amended to read as follows:

28 a. ~~An employee, except an employee covered by a collective~~
29 ~~bargaining agreement which provides otherwise, who has~~
30 exhausted the available agency steps in the uniform grievance
31 procedure provided for in the department rules may, within
32 seven calendar days following the date a decision was received
33 or should have been received at the second step of the
34 grievance procedure, file the grievance at the third step
35 with the director. The director shall respond within thirty

1 calendar days following receipt of the third step grievance.

2 Sec. 15. Section 8A.415, subsection 2, paragraph a, Code
3 2011, is amended to read as follows:

4 a. A merit system employee, ~~except an employee covered by a~~
5 ~~collective bargaining agreement,~~ who is discharged, suspended,
6 demoted, or otherwise receives a reduction in pay, except
7 during the employee's probationary period, may bypass steps one
8 and two of the grievance procedure and appeal the disciplinary
9 action to the director within seven calendar days following
10 the effective date of the action. The director shall respond
11 within thirty calendar days following receipt of the appeal.

12 Sec. 16. Section 8A.459, Code 2011, is amended to read as
13 follows:

14 **8A.459 State employee pay and allowances — electronic funds**
15 **transfer.**

16 ~~Effective July 1, 2011, notwithstanding~~ Notwithstanding any
17 provision of law to the contrary, all pay and allowances to
18 state employees shall be paid via electronic funds transfer,
19 ~~unless otherwise provided pursuant to a collective bargaining~~
20 ~~agreement.~~ A state employee may elect to receive pay and
21 allowances as paper warrants in lieu of electronic funds
22 transfers, but the department shall charge an administrative
23 fee for processing such paper warrants. However, the
24 department may, for good cause shown, waive the administrative
25 fee. The fee may be automatically deducted from the state
26 employee's pay and allowances before the warrant is issued to
27 the state employee.

28 Sec. 17. Section 8D.3, subsection 2, paragraph a,
29 subparagraph (3), Code Supplement 2011, is amended to read as
30 follows:

31 (3) The salary of the members of the commission shall be
32 twelve thousand dollars per year, except that the salary of
33 the chairperson shall be seventeen thousand dollars per year.
34 Members of the commission shall also be reimbursed for all
35 actual and necessary expenses incurred in the performance of

1 duties as members. The benefits and salary paid to the members
2 of the commission ~~shall~~ may be adjusted annually ~~equal to the~~
3 ~~average of the annual pay adjustments, expense reimbursements,~~
4 ~~and related benefits provided under collective bargaining~~
5 ~~agreements negotiated pursuant to chapter 20.~~

6 Sec. 18. Section 13.13, subsection 2, Code 2011, is amended
7 to read as follows:

8 2. The farm assistance program coordinator shall contract
9 with a nonprofit organization chartered in this state to
10 provide mediation services as provided in chapters 654A, 654B,
11 and 654C. The contract may be terminated by the coordinator
12 upon written notice and for good cause. The organization
13 awarded the contract is designated as the farm mediation
14 service for the duration of the contract. The organization
15 may, upon approval by the coordinator, provide mediation
16 services other than as provided by law. The farm mediation
17 service is not a state agency for the purposes of chapter 8A,
18 subchapter IV, and ~~chapters 20 and~~ chapter 669.

19 Sec. 19. Section 13.22, subsection 6, Code 2011, is amended
20 to read as follows:

21 6. Cooperate to the fullest extent feasible with the
22 existing informational and referral networks among farmers,
23 farmer advocates, and others concerned with the economic crisis
24 in agricultural areas. The legal services provider is not a
25 state agency for the purposes of chapter 8A, subchapter IV, and
26 ~~chapters 20 and~~ chapter 669.

27 Sec. 20. Section 13.34, subsection 4, Code 2011, is amended
28 to read as follows:

29 4. The contracting nonprofit organization is not a state
30 agency for the purposes of chapter 8A, subchapter IV, and
31 ~~chapters 20 and~~ chapter 669.

32 Sec. 21. Section 15.106C, subsection 4, Code Supplement
33 2011, is amended to read as follows:

34 4. The director shall employ personnel as necessary to
35 carry out the duties and responsibilities of the authority.

1 For nonprofessional employees, employment shall be consistent
2 with chapter 8A, subchapter IV. The employment of professional
3 employees shall be exempt from the provisions of chapter 8A,
4 subchapter IV, ~~and chapter 20.~~

5 Sec. 22. Section 19B.12, subsection 7, Code 2011, is amended
6 by striking the subsection.

7 Sec. 23. Section 21.9, Code 2011, is amended to read as
8 follows:

9 **21.9 Employment conditions discussed.**

10 A meeting of a governmental body to discuss strategy in
11 matters relating to employment conditions of employees of
12 the governmental body ~~who are not covered by a collective~~
13 ~~bargaining agreement under chapter 20 is exempt from this~~
14 ~~chapter.~~ For the purpose of this section, "*employment*
15 *conditions*" ~~mean areas included in the scope of negotiations~~
16 ~~listed in section 20.9~~ means wages, hours, vacations,
17 insurance, holidays, leaves of absence, shift differentials,
18 overtime compensation, supplemental pay, seniority, transfer
19 procedures, job classifications, health and safety matters,
20 evaluation procedures, procedures for staff reduction, and
21 in-service training.

22 Sec. 24. Section 28J.7, subsection 2, Code 2011, is amended
23 by striking the subsection.

24 Sec. 25. Section 70A.1, subsection 4, Code 2011, is amended
25 to read as follows:

26 4. ~~Effective July 1, 2006, permanent~~ Permanent full-time
27 and permanent part-time employees of state departments, boards,
28 agencies, and commissions shall accrue sick leave as provided
29 in this subsection which shall be credited to the employee's
30 sick leave account. The sick leave accrual rate for part-time
31 employees shall be prorated to the accrual rate for full-time
32 employees. The sick leave accrual rate for each complete month
33 of full-time employment, ~~excluding employees covered under a~~
34 ~~collective bargaining agreement which provides for a different~~
35 ~~rate of accrual,~~ shall be as follows:

1 a. For employees of the state board of regents, one and
2 one-half days.

3 ~~b. For employees who are peace officers employed within~~
4 ~~the department of public safety or department of natural~~
5 ~~resources and who are not covered under a collective bargaining~~
6 ~~agreement, the rate shall be the same as the rate provided~~
7 ~~under the state police officers council collective bargaining~~
8 ~~agreement.~~

9 ~~e.~~ b. For all other employees, the rate shall be as
10 follows:

11 (1) If the employee's accrued sick leave balance is seven
12 hundred fifty hours or less, one and one-half days.

13 (2) If the employee's accrued sick leave balance is one
14 thousand five hundred hours or less but more than seven hundred
15 fifty hours, one day.

16 (3) If the employee's accrued sick leave balance is more
17 than one thousand five hundred hours, one-half day.

18 Sec. 26. Section 70A.1, subsection 7, Code 2011, is amended
19 to read as follows:

20 7. State employees, excluding state board of regents'
21 faculty members with nine-month appointments, ~~and employees~~
22 ~~covered under a collective bargaining agreement negotiated~~
23 ~~with the public safety bargaining unit~~ who are eligible for
24 accrued vacation benefits and accrued sick leave benefits, who
25 have accumulated thirty days of sick leave, and who do not
26 use sick leave during a full month of employment may elect to
27 have up to one-half day of additional vacation added to the
28 employee's accrued vacation account. The additional vacation
29 time added to an employee's accrued vacation account for not
30 using sick leave during a month is in lieu of the accrual of
31 sick leave for that month. The amount of additional vacation
32 for part-time employees shall be prorated to the amount of
33 additional vacation authorized for full-time employees. The
34 director of the department of administrative services may adopt
35 the necessary rules and procedures for the implementation of

1 this program for all state employees except employees of the
2 state board of regents. The state board of regents may adopt
3 necessary rules for the implementation of this program for its
4 employees.

5 Sec. 27. Section 70A.20, subsection 4, Code 2011, is amended
6 to read as follows:

7 4. All probationary and permanent full-time state employees
8 shall be covered under the employees disability insurance
9 program, except board members and members of commissions who
10 are not full-time state employees, and state employees who on
11 July 1, 1974, are under another disability program financed in
12 whole or in part by the state, ~~and state employees who have~~
13 ~~agreed to participation in another disability program through a~~
14 ~~collective bargaining agreement.~~ For purposes of this section,
15 members of the general assembly serving on or after January 1,
16 1989, are eligible for the plan during their tenure in office,
17 on the basis of enrollment rules established for full-time
18 state employees ~~excluded from collective bargaining as provided~~
19 ~~in chapter 20.~~

20 Sec. 28. Section 70A.23, subsections 2, 3, and 4, Code 2011,
21 are amended to read as follows:

22 2. An eligible state employee, ~~excluding an employee~~
23 ~~covered under a collective bargaining agreement which provides~~
24 ~~otherwise,~~ who retires and has applied for retirement benefits
25 under an eligible retirement system, or who dies while in
26 active employment, shall be credited with the number of accrued
27 days of sick leave of the employee. The employee, or the
28 employee's estate, shall receive a cash payment of the monetary
29 value of the employee's accrued sick leave balance, not to
30 exceed two thousand dollars. The value of the employee's
31 accrued sick leave balance shall be calculated by multiplying
32 the number of hours of accrued sick leave by the employee's
33 regular hourly rate of pay at the time of retirement.

34 3. a. An eligible state employee, ~~excluding an employee~~
35 ~~covered under a collective bargaining agreement which provides~~

1 ~~otherwise~~ or an employee of the state board of regents, who
2 retires and receives a payment as provided in subsection 2
3 shall be entitled to elect to have the employee's available
4 remaining value of sick leave used to pay the state share for
5 the employee's continuation of state group health insurance
6 coverage pursuant to the requirements of this subsection.

7 *b.* An eligible state employee's available remaining value of
8 sick leave shall be calculated as follows:

9 (1) If the employee's accrued sick leave balance prior to
10 payment as provided in subsection 2 is seven hundred fifty
11 hours or less, sixty percent of the value of the remaining
12 accrued sick leave balance.

13 (2) If the employee's accrued sick leave balance prior
14 to payment as provided in subsection 2 is one thousand five
15 hundred hours or less but more than seven hundred fifty hours,
16 eighty percent of the value of the remaining accrued sick leave
17 balance.

18 (3) If the employee's accrued sick leave balance prior to
19 payment as provided in subsection 2 is more than one thousand
20 five hundred hours, one hundred percent of the value of the
21 remaining accrued sick leave balance.

22 *c.* An eligible state employee's available remaining value
23 of sick leave shall be available to pay for that portion of
24 the employee's state group health insurance premium that would
25 otherwise be paid for by the state if the employee were still a
26 state employee. The benefits provided for in this subsection
27 have no cash value and are not transferable to any other
28 person, including the retiree's spouse. Payment of state group
29 health insurance premiums pursuant to this subsection continues
30 until the earliest of when the eligible state employee's
31 available remaining value of sick leave is exhausted, the
32 employee otherwise becomes eligible for federal Medicare
33 program benefits, or the employee dies. In addition, an
34 employee electing benefits pursuant to this subsection who is
35 reinstated or reemployed in a permanent full-time or permanent

1 part-time position within state government forfeits any
2 remaining benefits for payment of state group health insurance
3 benefits, and such employee is not eligible for restoration
4 of the unused sick leave accrued during the employee's prior
5 employment with the state.

6 4. Notwithstanding any provision of this section to the
7 contrary, peace officers employed within the department of
8 public safety and the department of natural resources ~~that~~
9 ~~are not covered under a collective bargaining agreement~~ shall
10 have a sick leave conversion program extended to them ~~that is~~
11 ~~equivalent to the sick leave conversion program negotiated~~
12 ~~under chapter 20 between the state and the state police~~
13 ~~officers council labor union for peace officers as determined~~
14 by the commissioner of public safety and the director of the
15 department of natural resources for their respective employees.
16 ~~In addition, an employee of the department of public safety or~~
17 ~~the department of natural resources who has earned benefits of~~
18 ~~payment of premiums under a collective bargaining agreement and~~
19 ~~who becomes a manager or supervisor and is no longer covered~~
20 ~~by the agreement shall not lose the benefits of payment of~~
21 ~~premiums earned while covered by the agreement. The payment~~
22 ~~shall be calculated by multiplying the number of hours of~~
23 ~~accumulated, unused sick leave by the employee's hourly rate of~~
24 ~~pay at the time of retirement.~~

25 Sec. 29. Section 70A.28, subsection 6, Code 2011, is amended
26 to read as follows:

27 6. Subsection 2 may also be enforced by an employee through
28 an administrative action pursuant to the requirements of this
29 subsection if the employee is not a merit system employee ~~or~~
30 ~~an employee covered by a collective bargaining agreement.~~ An
31 employee eligible to pursue an administrative action pursuant
32 to this subsection who is discharged, suspended, demoted,
33 or otherwise receives a reduction in pay and who believes
34 the adverse employment action was taken as a result of the
35 employee's disclosure of information that was authorized

1 pursuant to subsection 2, may file an appeal of the adverse
2 employment action with the public employment relations
3 board within thirty calendar days following the later of the
4 effective date of the action or the date a finding is issued
5 to the employee by the office of the citizens' aide pursuant
6 to section 2C.11A. The findings issued by the citizens' aide
7 may be introduced as evidence before the public employment
8 relations board. The employee has the right to a hearing
9 closed to the public, but may request a public hearing. The
10 hearing shall otherwise be conducted in accordance with the
11 rules of the public employment relations board and the Iowa
12 administrative procedure Act, chapter 17A. If the public
13 employment relations board finds that the action taken in
14 regard to the employee was in violation of subsection 2, the
15 employee may be reinstated without loss of pay or benefits
16 for the elapsed period, or the public employment relations
17 board may provide other appropriate remedies. Decisions by
18 the public employment relations board constitute final agency
19 action.

20 Sec. 30. Section 70A.30, unnumbered paragraph 2, Code 2011,
21 is amended to read as follows:

22 The phased retirement incentive program is ~~a retirement~~
23 ~~system for purposes of section 20.9, but~~ is not retirement
24 for purposes of chapter 97A, 97B, or 602 or for the
25 employees who are members of the teachers insurance annuity
26 association-college retirement equities fund (TIAA-CREF).

27 Sec. 31. Section 70A.39, subsection 2, unnumbered paragraph
28 1, Code 2011, is amended to read as follows:

29 ~~Beginning July 1, 2003, state~~ State employees, ~~excluding~~
30 ~~employees covered under a collective bargaining agreement which~~
31 ~~provides otherwise,~~ shall be granted leaves of absence in
32 accordance with the following:

33 Sec. 32. Section 76.16A, unnumbered paragraph 1, Code 2011,
34 is amended to read as follows:

35 A city, county, or other political subdivision may become a

1 debtor under chapter nine of the federal bankruptcy code, 11
2 U.S.C. § 901 et seq., if it is rendered insolvent, as defined
3 in 11 U.S.C. § 101(32)(c), as a result of a debt involuntarily
4 incurred. As used herein, "debt" means an obligation to pay
5 money, other than pursuant to a ~~valid and binding collective~~
6 ~~bargaining agreement or~~ previously authorized bond issue, as
7 to which the governing body of the city, county, or other
8 political subdivision has made a specific finding set forth in
9 a duly adopted resolution of each of the following:

10 Sec. 33. Section 80.8, subsection 3, paragraphs a, c, d, and
11 e, Code 2011, are amended to read as follows:

12 a. The salaries of peace officers and employees of the
13 department and the expenses of the department shall be provided
14 for by a legislative appropriation. The compensation of peace
15 officers of the department shall be fixed according to grades
16 as to rank and length of service by the commissioner with the
17 approval of the department of administrative services, ~~unless~~
18 ~~covered by a collective bargaining agreement that provides~~
19 otherwise.

20 c. While on active duty, each peace officer shall also
21 receive a flat daily sum as fixed by the commissioner for
22 meals ~~unless the amount of the flat daily sum is covered by a~~
23 ~~collective bargaining agreement that provides otherwise.~~

24 ~~d. A collective bargaining agreement entered into between~~
25 ~~the state and a state employee organization under chapter~~
26 ~~20 made final after July 1, 1977, shall not include any pay~~
27 ~~adjustment to longevity pay authorized under this section.~~

28 e. d. Peace officers of the department ~~excluded from the~~
29 ~~provisions of chapter 20~~ who are injured in the line of duty
30 shall receive paid time off in the ~~same manner as provided~~
31 ~~to peace officers of the department covered by a collective~~
32 ~~bargaining agreement entered into between the state and the~~
33 ~~employee organization representing such covered peace officers~~
34 ~~under chapter 20 as fixed by the commissioner.~~

35 Sec. 34. Section 80.15, Code 2011, is amended to read as

1 follows:

2 **80.15 Examination — oath — probation — discipline —**
3 **dismissal.**

4 An applicant to be a peace officer in the department shall
5 not be appointed as a peace officer until the applicant has
6 passed a satisfactory physical and mental examination. In
7 addition, the applicant must be a citizen of the United States
8 and be not less than twenty-two years of age. However, an
9 applicant applying for assignment to provide protection and
10 security for persons and property on the grounds of the state
11 capitol complex or a peace officer candidate shall not be
12 less than eighteen years of age. The mental examination
13 shall be conducted under the direction or supervision of
14 the commissioner and may be oral or written or both. An
15 applicant shall take an oath on becoming a peace officer
16 of the department, to uphold the laws and Constitution of
17 the United States and Constitution of the State of Iowa.
18 During the period of twelve months after appointment, a peace
19 officer of the department is subject to dismissal at the
20 will of the commissioner. After the twelve months' service,
21 a peace officer of the department, who was appointed after
22 having passed the examinations, is not subject to dismissal,
23 suspension, disciplinary demotion, or other disciplinary action
24 resulting in the loss of pay unless charges have been filed
25 with the department of inspections and appeals and a hearing
26 held by the employment appeal board created by section 10A.601,
27 if requested by the peace officer, at which the peace officer
28 has an opportunity to present a defense to the charges. The
29 decision of the appeal board is final, subject to the right
30 of judicial review in accordance with the terms of the Iowa
31 administrative procedure Act, chapter 17A. However, these
32 procedures as to dismissal, suspension, demotion, or other
33 discipline ~~do not apply to a peace officer who is covered by~~
34 ~~a collective bargaining agreement which provides otherwise,~~
35 and do not apply to the demotion of a division head to the

1 rank which the division head held at the time of appointment
2 as division head, if any. A division head who is demoted has
3 the right to return to the rank which the division head held at
4 the time of appointment as division head, if any. All rules,
5 ~~except employment provisions negotiated pursuant to chapter~~
6 ~~20,~~ regarding the enlistment, appointment, and employment
7 affecting the personnel of the department shall be established
8 by the commissioner in consultation with the director of the
9 department of administrative services, subject to approval by
10 the governor.

11 Sec. 35. Section 80.18, unnumbered paragraph 2, Code 2011,
12 is amended to read as follows:

13 The department may expend moneys from the support allocation
14 of the department as reimbursement for replacement or repair of
15 personal items of the department's peace officers or employees
16 damaged or destroyed during a peace officer's or employee's
17 course of employment. However, the reimbursement shall not
18 exceed ~~the greater of one hundred fifty dollars or the amount~~
19 ~~agreed to under the collective bargaining agreement for each~~
20 ~~item.~~ The department shall adopt rules in accordance with
21 chapter 17A to administer this paragraph.

22 Sec. 36. Section 80.42, subsection 1, Code 2011, is amended
23 to read as follows:

24 1. A sick leave benefits fund is established in the office
25 of the treasurer of state under the control of the department
26 of public safety. The moneys annually credited to the fund are
27 appropriated to the department to pay health and life insurance
28 monthly premium costs for retired departmental employees and
29 beneficiaries who are eligible to receive benefits for accrued
30 sick leave ~~under the collective bargaining agreement with the~~
31 ~~state police officers council or pursuant to section 70A.23.~~

32 Sec. 37. Section 80F.1, subsections 5, 11, 17, and 19, Code
33 2011, are amended to read as follows:

34 5. An officer who is the subject of a complaint, shall at a
35 minimum, be provided a written summary of the complaint prior

1 to an interview. ~~If a collective bargaining agreement applies,~~
2 ~~the complaint or written summary shall be provided pursuant~~
3 ~~to the procedures established under the collective bargaining~~
4 ~~agreement.~~ If the complaint alleges domestic abuse, sexual
5 abuse, or sexual harassment, an officer shall not receive more
6 than a written summary of the complaint.

7 11. If an interview is conducted while an officer is off
8 duty, the officer shall be compensated as provided by law, ~~or~~
9 ~~as provided in the applicable collective bargaining agreement.~~

10 17. The rights enumerated in this section are in addition to
11 any other rights granted pursuant to a ~~collective bargaining~~
12 ~~agreement or other applicable law.~~

13 19. If a formal administrative investigation results
14 in removal, discharge, suspension, or disciplinary action
15 against an officer, and the officer alleges in writing a
16 violation of the provisions of this section, the municipality,
17 county, or state agency employing the officer shall hold in
18 abeyance for a period of ten days any punitive action taken
19 as a result of the investigation, including a reprimand. An
20 allegation of a violation of this section may be raised and
21 given due consideration in any properly authorized grievance
22 or appeal exercised by an officer, including but not limited
23 to a ~~grievance or appeal exercised pursuant to the terms of an~~
24 ~~applicable collective bargaining agreement and an appeal right~~
25 exercised under section 341A.12 or 400.20.

26 Sec. 38. Section 84C.2, subsection 8, Code 2011, is amended
27 to read as follows:

28 8. "*Part-time employee*" means an employee who is employed
29 for an average of fewer than twenty hours per week or an
30 employee, including a full-time employee, who has been employed
31 for fewer than six of the twelve months preceding the date on
32 which notice is required. ~~However, if an applicable collective~~
33 ~~bargaining agreement defines a part-time employee, such~~
34 ~~definition shall supersede the definition in this subsection.~~

35 Sec. 39. Section 84C.3, subsection 1, paragraph a, Code

1 2011, is amended to read as follows:

2 a. An employer who plans a business closing or a mass layoff
3 shall not order such action until the end of a thirty-day
4 period which begins after the employer serves written notice of
5 such action to the affected employees or their representatives
6 and to the department. ~~However, if an applicable collective~~
7 ~~bargaining agreement designates a different notice period, the~~
8 ~~notice period in the collective bargaining agreement shall~~
9 ~~govern. The employer shall provide notice to the department if~~
10 ~~the worker is covered by a collective bargaining agreement.~~

11 Sec. 40. Section 99D.6, Code 2011, is amended to read as
12 follows:

13 **99D.6 Chairperson — administrator — employees — duties —**
14 **bond.**

15 The commission shall elect in July of each year one of its
16 members as chairperson for the succeeding year. The commission
17 shall appoint an administrator of the commission subject to
18 confirmation by the senate. The administrator shall serve
19 a four-year term. The term shall begin and end in the same
20 manner as set forth in section 69.19. A vacancy shall be
21 filled for the unexpired portion of the term in the same manner
22 as a full-term appointment is made. The administrator may
23 hire other assistants and employees as necessary to carry
24 out the commission's duties. Employees in the positions of
25 equine veterinarian, canine veterinarian, and equine steward
26 shall be exempt from the merit system provisions of chapter
27 8A, subchapter IV, ~~and shall not be covered by a collective~~
28 ~~bargaining agreement.~~ Some or all of the information required
29 of applicants in section 99D.8A, subsections 1 and 2, may also
30 be required of employees of the commission if the commission
31 deems it necessary. The administrator shall keep a record
32 of the proceedings of the commission and preserve the books,
33 records, and documents entrusted to the administrator's care.
34 The administrator shall be covered by the blanket surety bond
35 of the state purchased pursuant to section 8A.321, subsection

1 12. The compensation and employment terms of the administrator
2 shall be set by the governor, taking into consideration the
3 level of knowledge and experience of the administrator. The
4 commission shall have its headquarters in the city of Des
5 Moines and shall meet in July of each year and at other times
6 and places as it finds necessary for the discharge of its
7 duties.

8 Sec. 41. Section 99G.10, subsection 2, Code 2011, is amended
9 to read as follows:

10 2. Subject to the approval of the board, the chief executive
11 officer shall have the sole power to designate particular
12 employees as key personnel, but may take advice from the
13 department of administrative services in making any such
14 designations. All key personnel shall be exempt from the
15 merit system described in chapter 8A, subchapter IV. The
16 chief executive officer and the board shall have the sole
17 power to employ, classify, and fix the compensation of key
18 personnel. All other employees shall be employed, classified,
19 and compensated in accordance with chapter 8A, subchapter IV,
20 ~~and chapter 20.~~

21 Sec. 42. Section 135C.35, subsection 3, Code 2011, is
22 amended by striking the subsection.

23 Sec. 43. Section 185.34, subsection 2, paragraph a, Code
24 2011, is amended to read as follows:

25 a. Except as provided in paragraph "b", the board is not
26 a state agency or a governmental entity as defined in section
27 8A.101, ~~public employer as defined in section 20.3,~~ or an
28 authority or instrumentality of the state.

29 Sec. 44. Section 235A.15, subsection 5, Code Supplement
30 2011, is amended to read as follows:

31 5. Access to disposition data subject to placement in the
32 central registry pursuant to section 232.71D is authorized to
33 the department of administrative services ~~or to the personnel~~
34 ~~office of a public employer, as defined in section 20.3,~~
35 as necessary for presentation in grievance ~~or arbitration~~

1 procedures provided for in ~~sections~~ section 8A.415 and 20.18.
2 Disposition data introduced into a grievance ~~or arbitration~~
3 proceeding shall not be considered a part of the public record
4 of a case.

5 Sec. 45. Section 235E.2, subsection 13, paragraph a,
6 subparagraph (1), Code 2011, is amended to read as follows:

7 (1) The alleged dependent adult abuser is part of a
8 bargaining unit that is party to a collective bargaining
9 agreement under ~~chapter 20 or any other~~ applicable state or
10 federal law.

11 Sec. 46. Section 252B.27, subsection 2, paragraph b, Code
12 2011, is amended to read as follows:

13 b. Employees in full-time positions that transition
14 from county government to state government employment under
15 this subsection are exempt from testing, selection, and
16 appointment provisions of chapter 8A, subchapter IV, ~~and from~~
17 ~~the provisions of collective bargaining agreements relating to~~
18 ~~the filling of vacant positions.~~

19 Sec. 47. Section 256.9, subsection 61, paragraph b, Code
20 Supplement 2011, is amended by striking the paragraph.

21 Sec. 48. Section 256.20, unnumbered paragraph 3, Code 2011,
22 is amended by striking the unnumbered paragraph.

23 Sec. 49. Section 256.21, subsection 2, paragraph a, Code
24 2011, is amended to read as follows:

25 a. A sabbatical grant to a teacher shall be equal to the
26 annual salary specified in a teacher's contract pursuant to the
27 salary schedule adopted by the board of directors ~~or negotiated~~
28 ~~under chapter 20~~ plus the cost to the district of the fringe
29 benefits of the teacher. The grant shall be paid to the school
30 district, and the district shall continue to pay the teacher's
31 regular compensation as well as the cost to the district
32 of the substitute teacher. Teachers and boards of school
33 districts are encouraged to seek funding from other sources to
34 pay the costs of sabbaticals for teachers. Grant moneys are
35 miscellaneous income for purposes of chapter 257.

1 Sec. 50. Section 256F.4, subsection 2, paragraph h, Code
2 2011, is amended to read as follows:

3 *h.* Be subject to and comply with ~~chapters 20 and~~ chapter
4 279 relating to contracts with and discharge of teachers and
5 administrators.

6 Sec. 51. Section 260C.18D, subsection 4, Code 2011, is
7 amended to read as follows:

8 4. *Eligible instructors.* Moneys distributed to a community
9 college under this section shall be allocated to all full-time,
10 nonadministrative instructors and part-time instructors ~~covered~~
11 ~~by a collective bargaining agreement.~~ ~~The moneys shall be~~
12 ~~allocated by negotiated agreements according to chapter 20.~~ ~~If~~
13 ~~no language exists,~~ The moneys shall be allocated equally
14 to all full-time, nonadministrative instructors with part-time
15 instructors ~~covered by a collective bargaining agreement~~
16 receiving a prorated share of the fund.

17 Sec. 52. Section 260C.39, subsection 3, Code 2011, is
18 amended to read as follows:

19 3. The terms of employment of personnel, for the academic
20 year following the effective date of the agreement to combine
21 the merged areas shall not be affected by the combination of
22 the merged areas, except in accordance with the procedures
23 under sections 279.15 to 279.18 and section 279.24, to
24 the extent those procedures are applicable, or under the
25 terms of the base bargaining agreement. The authority and
26 responsibility to offer new contracts or to continue, modify,
27 or terminate existing contracts pursuant to any applicable
28 procedures under chapter 279, shall be transferred to the
29 acting, and then to the new, board of the combined merged area
30 upon certification of a favorable vote to each of the merged
31 areas affected by the agreement. ~~The collective bargaining~~
32 ~~agreement of the merged area receiving the greatest amount of~~
33 ~~general state aid shall serve as the base agreement for the~~
34 ~~combined merged area and the employees of the merged areas~~
35 ~~which combined to form the new combined merged area shall~~

1 ~~automatically be accreted to the bargaining unit from that~~
2 ~~former merged area for purposes of negotiating the contracts~~
3 ~~for the following years without further action by the public~~
4 ~~employment relations board. If only one collective bargaining~~
5 ~~agreement is in effect among the merged areas which are~~
6 ~~combining under this section, then that agreement shall serve~~
7 ~~as the base agreement, and the employees of the merged areas~~
8 ~~which are combining to form the new combined merged area shall~~
9 ~~automatically be accreted to the bargaining unit of that former~~
10 ~~merged area for purposes of negotiating the contracts for the~~
11 ~~following years without further action by the public employment~~
12 ~~relations board. The board of the combined merged area, using~~
13 ~~the base agreement as its existing contract, shall bargain with~~
14 ~~the combined employees of the merged areas that have agreed~~
15 ~~to combine for the academic year beginning with the effective~~
16 ~~date of the agreement to combine merged areas. The bargaining~~
17 ~~shall be completed by March 15 prior to the academic year in~~
18 ~~which the agreement to combine merged areas becomes effective~~
19 ~~or within one hundred eighty days after the organization of~~
20 ~~the acting board of the new combined merged area, whichever~~
21 ~~is later. If a bargaining agreement was already concluded in~~
22 ~~the former merged area which has the collective bargaining~~
23 ~~agreement that is serving as the base agreement for the new~~
24 ~~combined merged area, between the former merged area board~~
25 ~~and the employees of the former merged area, that agreement~~
26 ~~is void, unless the agreement contained multiyear provisions~~
27 ~~affecting academic years subsequent to the effective date of~~
28 ~~the agreement to form a combined merged area. If the base~~
29 ~~collective bargaining agreement contains multiyear provisions,~~
30 ~~the duration and effect of the agreement shall be controlled~~
31 ~~by the terms of the agreement. The provisions of the base~~
32 ~~agreement shall apply to the offering of new contracts, or~~
33 ~~the continuation, modification, or termination of existing~~
34 ~~contracts between the acting or new board of the combined~~
35 ~~merged area and the combined employees of the new combined~~

1 ~~merged area.~~

2 Sec. 53. Section 262.9, subsection 16, Code Supplement
3 2011, is amended by striking the subsection.

4 Sec. 54. Section 262.9C, subsection 3, Code 2011, is amended
5 to read as follows:

6 3. For the purposes of this section, "*supervisory employee*"
7 means a public employee ~~who is not a member of a collective~~
8 ~~bargaining unit and~~ who has authority, in the interest of a
9 public employer, to hire, transfer, suspend, lay off, recall,
10 promote, discharge, assign, reward, or discipline other public
11 employees, to direct such public employees, or to adjust
12 the grievances of such public employees, or to effectively
13 recommend any such action.

14 Sec. 55. Section 273.22, subsection 2, Code 2011, is amended
15 by striking the subsection.

16 Sec. 56. Section 275.33, subsection 2, Code 2011, is amended
17 by striking the subsection.

18 Sec. 57. Section 279.10, subsection 3, paragraph c, Code
19 2011, is amended by striking the paragraph.

20 Sec. 58. Section 279.13, subsection 3, Code 2011, is amended
21 by striking the subsection.

22 Sec. 59. Section 279.14, Code 2011, is amended to read as
23 follows:

24 **279.14 Evaluation criteria and procedures.**

25 1. The board shall establish evaluation criteria and shall
26 implement evaluation procedures. ~~If an exclusive bargaining~~
27 ~~representative has been certified, the board shall negotiate~~
28 ~~in good faith with respect to evaluation procedures pursuant~~
29 ~~to chapter 20.~~

30 2. The determination of standards of performance expected
31 of school district personnel shall be reserved as an exclusive
32 management right of the school board ~~and shall not be subject~~
33 ~~to mandatory negotiations under chapter 20. Notwithstanding~~
34 ~~chapter 20, objections to the procedures, use, or content of~~
35 ~~an evaluation in a teacher termination proceeding brought~~

1 ~~before the school board in a hearing held in accordance with~~
2 ~~section 279.16 or 279.27 shall not be subject to the grievance~~
3 ~~procedures negotiated in accordance with chapter 20.~~ A school
4 district shall not be obligated to process any evaluation
5 grievance after service of a notice and recommendation to
6 terminate an individual's continuing teaching contract in
7 accordance with this chapter.

8 Sec. 60. Section 279.19, Code 2011, is amended to read as
9 follows:

10 **279.19 Probationary period.**

11 The first three consecutive years of employment of a
12 teacher in the same school district are a probationary
13 period. However, if the teacher has successfully completed a
14 probationary period of employment for another school district
15 located in Iowa, the probationary period in the current
16 district of employment shall not exceed one year. A board of
17 directors may waive the probationary period for any teacher who
18 previously has served a probationary period in another school
19 district and the board may extend the probationary period for
20 an additional year with the consent of the teacher.

21 In the case of the termination of a probationary teacher's
22 contract, the provisions of sections 279.15 and 279.16
23 shall apply. However, if the probationary teacher is a
24 beginning teacher who fails to demonstrate competence in the
25 Iowa teaching standards in accordance with chapter 284, the
26 provisions of sections 279.17 and 279.18 shall also apply.

27 The board's decision shall be final and binding unless
28 the termination was based upon an alleged violation of a
29 constitutionally guaranteed right of the teacher ~~or an alleged~~
30 ~~violation of public employee rights of the teacher under~~
31 ~~section 20.10.~~

32 ~~Notwithstanding any provision to the contrary, the grievance~~
33 ~~procedures of section 20.18 relating to job performance or job~~
34 ~~retention shall not apply to a teacher during the first two~~
35 ~~years of the teacher's probationary period. However, this~~

1 ~~paragraph shall not apply to a teacher who has successfully~~
2 ~~completed a probationary period in a school district in Iowa.~~

3 Sec. 61. Section 279.19A, subsection 6, Code 2011, is
4 amended by striking the subsection.

5 Sec. 62. Section 279.23, subsection 4, Code 2011, is amended
6 to read as follows:

7 4. For purposes of this section and sections 279.23A,
8 279.24, and 279.25, the term "*administrator*" includes school
9 superintendents, assistant superintendents, educational
10 directors employed by school districts for grades kindergarten
11 through twelve, educational directors employed by area
12 education agencies under chapter 273, principals, assistant
13 principals, ~~other certified school supervisors employed~~
14 ~~by school districts for grades kindergarten through twelve~~
15 ~~as defined under section 20.4,~~ and other certified school
16 supervisors employed by area education agencies under chapter
17 273. For purposes of this section and sections 279.23A,
18 279.24, and 279.25, with regard to community college employees,
19 "*administrator*" includes the administrator of an instructional
20 division or an area of instructional responsibility, and the
21 administrator of an instructional unit, department, or section.

22 Sec. 63. Section 280.15, subsection 2, paragraph a, Code
23 2011, is amended to read as follows:

24 a. When a special education personnel pooling agreement,
25 which has been entered into between an area education agency
26 and a public school district pursuant to section 273.5,
27 is terminated, the public school district shall assume
28 the contractual obligations for any teachers assigned to
29 the district under the agreement. Teachers, for whom the
30 contractual obligations are assumed by a district, shall be
31 given credit for completion of any probationary status under
32 section 279.19, be placed on the salary schedule and retain all
33 leaves, benefits, and seniority rights accumulated as if the
34 teacher had been originally contractually employed ~~under the~~
35 ~~agreement which exists between~~ by the public school district

1 ~~and the district's collective bargaining unit~~, consistent with
2 the teacher's education and experience.

3 Sec. 64. Section 284.3, subsection 2, paragraphs a and b,
4 Code 2011, are amended to read as follows:

5 a. For purposes of comprehensive evaluations for beginning
6 teachers required to allow beginning teachers to progress to
7 career teachers, standards and criteria that are the Iowa
8 teaching standards specified in subsection 1 and the criteria
9 for the Iowa teaching standards developed by the department in
10 accordance with section 256.9, subsection 46. These standards
11 and criteria shall be set forth in an instrument provided by
12 the department. The comprehensive evaluation and instrument
13 are not subject to ~~negotiations or grievance procedures~~
14 ~~pursuant to chapter 20 or determinations made by the board of~~
15 ~~directors under section 279.14. A local school board and its~~
16 ~~certified bargaining representative may negotiate, pursuant to~~
17 ~~chapter 20, evaluation and grievance procedures for beginning~~
18 ~~teachers that are not in conflict with this chapter. If, in~~
19 accordance with section 279.19, a beginning teacher appeals the
20 determination of a school board to an adjudicator under section
21 279.17, the adjudicator selected shall have successfully
22 completed training related to the Iowa teacher standards, the
23 criteria adopted by the state board of education in accordance
24 with subsection 3, and any additional training required under
25 rules adopted by the public employment relations board in
26 cooperation with the state board of education.

27 b. For purposes of performance reviews for teachers other
28 than beginning teachers, evaluations that contain, at a
29 minimum, the Iowa teaching standards specified in subsection
30 1, as well as the criteria for the Iowa teaching standards
31 developed by the department in accordance with section
32 256.9, subsection 46. ~~A local school board and its certified~~
33 ~~bargaining representative may negotiate, pursuant to chapter~~
34 ~~20, additional teaching standards and criteria. A local~~
35 ~~school board and its certified bargaining representative shall~~

1 ~~negotiate, pursuant to chapter 20, evaluation and grievance~~
2 ~~procedures for teachers other than beginning teachers that are~~
3 ~~not in conflict with this chapter.~~

4 Sec. 65. Section 284.3A, subsections 1 and 2, Code 2011, are
5 amended to read as follows:

6 ~~1. a. For the school year beginning July 1, 2009, if the~~
7 ~~licensed employees of a school district or area education~~
8 ~~agency receiving funds pursuant to sections 257.10 and 257.37A~~
9 ~~are organized under chapter 20 for collective bargaining~~
10 ~~purposes, the school board and the certified bargaining~~
11 ~~representative for the licensed employees shall negotiate the~~
12 ~~distribution of the funds among the teachers employed by the~~
13 ~~school district or area education agency according to chapter~~
14 ~~20.~~

15 ~~b. If the licensed employees of a school district or area~~
16 ~~education agency are not organized for collective bargaining~~
17 ~~purposes, the board of directors shall determine the method of~~
18 ~~distribution of such funds.~~

19 ~~c. For the school years beginning July 1, 2008, and~~
20 ~~July 1, 2009, a school district or area education agency~~
21 ~~receiving funds pursuant to sections 257.10 and 257.37A, shall~~
22 ~~determine the amount to be paid to teachers in accordance with~~
23 ~~this subsection and the amount determined to be paid to an~~
24 ~~individual teacher shall be divided evenly by the appropriate~~
25 ~~number of pay periods and paid in each pay period of the fiscal~~
26 ~~year beginning with the October payroll.~~

27 2. a. For the school budget year beginning July 1, 2010,
28 and each succeeding school year, school districts and area
29 education agencies shall combine payments made to teachers
30 under sections 257.10 and 257.37A with regular wages to
31 create a combined salary. The teacher contract issued under
32 section 279.13 must include the combined salary. If a school
33 district or area education agency uses a salary schedule, a
34 combined salary schedule shall be used for regular wages and
35 for distribution of payments under sections 257.10 and 257.37A,

1 incorporating the salary minimums required in section 284.7.
2 The combined salary schedule must use only the combined salary
3 and cannot differentiate regular salaries and distribution of
4 payments under sections 257.10 and 257.37A.

5 ~~b. If the licensed employees of a school district or area~~
6 ~~education agency are organized under chapter 20 for collective~~
7 ~~bargaining purposes, the creation of the new combined salary~~
8 ~~shall be subject to the scope of negotiations specified in~~
9 ~~section 20.9. A reduction in the teacher salary supplement per~~
10 ~~pupil amount shall also be subject to the scope of negotiations~~
11 ~~specified in section 20.9.~~

12 ~~c. b.~~ If the licensed employees of a school district
13 or area education agency are not organized for collective
14 bargaining purposes, the The board of directors shall create
15 the new combined salary. The board of directors shall
16 determine adjustments in salaries resulting from a reduction in
17 the teacher salary supplement per pupil amount.

18 Sec. 66. Section 284.4, subsection 1, paragraph c,
19 subparagraphs (1) and (5), Code 2011, are amended to read as
20 follows:

21 (1) Monitor the implementation of the requirements of
22 statutes and administrative code provisions relating to this
23 chapter, ~~including requirements that affect any agreement~~
24 ~~negotiated pursuant to chapter 20.~~

25 ~~(5) Ensure the agreement negotiated pursuant to chapter 20~~
26 ~~determines the compensation for teachers on the committee for~~
27 ~~work responsibilities required beyond the normal work day.~~

28 Sec. 67. Section 284.8, subsection 2, Code 2011, is amended
29 to read as follows:

30 2. If a supervisor or an evaluator determines, at any time,
31 as a result of a teacher's performance that the teacher is not
32 meeting district expectations under the Iowa teaching standards
33 specified in section 284.3, subsection 1, paragraphs "a"
34 through "h", and the criteria for the Iowa teaching standards
35 developed by the department in accordance with section 256.9,

1 subsection 46, ~~and any other standards or criteria established~~
2 ~~in the collective bargaining agreement,~~ the evaluator shall,
3 at the direction of the teacher's supervisor, recommend to
4 the district that the teacher participate in an intensive
5 assistance program. ~~The intensive assistance program and~~
6 ~~its implementation are subject to negotiation and grievance~~
7 ~~procedures established pursuant to chapter 20.~~ All school
8 districts shall be prepared to offer an intensive assistance
9 program.

10 Sec. 68. Section 314.1A, subsection 3, Code 2011, is amended
11 to read as follows:

12 3. The rules shall include definitions concerning types
13 of projects and uniform requirements and definitions that
14 cities and counties under subsection 1 and governmental
15 entities under subsection 2 shall use in determining costs
16 for such projects. The department shall establish horizontal
17 and vertical infrastructure advisory committees composed of
18 representatives of public sector agencies, and private sector
19 vertical and horizontal contractor organizations, ~~and certified~~
20 ~~public employee collective bargaining organizations~~ to make
21 recommendations for such rules.

22 Sec. 69. Section 331.324, subsection 1, paragraph a, Code
23 2011, is amended by striking the paragraph.

24 Sec. 70. Section 400.8A, Code 2011, is amended to read as
25 follows:

26 **400.8A Guidelines for ongoing fitness for police officers and**
27 **fire fighters.**

28 The board of trustees of the fire and police retirement
29 system established by section 411.5, in consultation with the
30 medical board established in section 411.5, shall establish
31 and maintain protocols and guidelines for ongoing wellness
32 and fitness for police officers and fire fighters while in
33 service. The board of trustees may change the protocols and
34 guidelines at any time the board so determines. The protocols
35 and guidelines shall be established by the board of trustees

1 for the consideration of cities covered by this chapter and may
2 be applied by a city for the purpose of determining continued
3 wellness and fitness for members of the city's police and fire
4 departments. ~~However, the protocols and guidelines shall not~~
5 ~~be applied to members of a police or fire department of a city~~
6 ~~who are covered by chapter 20 except through the collective~~
7 ~~bargaining process as provided under chapter 20.~~ The medical
8 board established in section 411.5 shall provide to cities and
9 fire and police departments assistance regarding the possible
10 implementation and operation of the protocols and guidelines
11 for ongoing wellness and fitness provided by this section.
12 For purposes of this section, "*wellness and fitness*" means the
13 process by which police officers and fire fighters maintain
14 fitness for duty.

15 Sec. 71. Section 400.18, subsection 3, Code 2011, is amended
16 to read as follows:

17 3. A person subject to a hearing has the right to be
18 represented by counsel at the person's expense ~~or by the~~
19 ~~person's authorized collective bargaining representative.~~

20 Sec. 72. Section 400.26, Code 2011, is amended to read as
21 follows:

22 **400.26 Public trial.**

23 The trial of all appeals shall be public, and the parties
24 may be represented by counsel ~~or by the parties' authorized~~
25 ~~collective bargaining representative.~~

26 Sec. 73. Section 411.39, subsection 4, Code 2011, is amended
27 to read as follows:

28 4. Participating employees shall be exempted from
29 preexisting medical condition waiting periods. Participating
30 employees may change programs or coverage under the state
31 health or medical service group insurance plan subject to the
32 enrollment rules established for full-time state employees
33 ~~excluded from collective bargaining as provided in chapter~~
34 ~~20.~~ A participating employee or the participating employee's
35 surviving spouse shall have the same rights upon final

1 termination of employment or death as are afforded full-time
2 state employees and the employees' surviving spouses ~~excluded~~
3 ~~from collective bargaining as provided in chapter 20.~~

4 Sec. 74. Section 412.2, subsection 1, Code 2011, is amended
5 to read as follows:

6 1. From the proceeds of the assessments on the wages
7 and salaries of employees, of any such waterworks system,
8 or other municipally owned and operated public utility,
9 eligible to receive the benefits thereof. ~~Notwithstanding~~
10 ~~any provisions of section 20.9 to the contrary, a council,~~
11 ~~board of waterworks, or other board or commission which~~
12 ~~establishes a pension and annuity retirement system pursuant to~~
13 ~~this chapter, shall negotiate in good faith with a certified~~
14 ~~employee organization as defined in section 20.3, which is the~~
15 ~~collective bargaining representative of the employees, with~~
16 ~~respect to the amount or rate of the assessment on the wages~~
17 ~~and salaries of employees and the method or methods for payment~~
18 ~~of the assessment by the employees.~~

19 Sec. 75. Section 602.1401, subsections 3 and 6, Code 2011,
20 are amended by striking the subsections.

21 Sec. 76. Section 905.4, subsection 2, Code 2011, is amended
22 to read as follows:

23 2. Employ a director having the qualifications required by
24 section 905.6 to head the district department's community-based
25 correctional program and, within a range established by the
26 Iowa department of corrections, fix the compensation of and
27 have control over the director and the district department's
28 staff. ~~For purposes of collective bargaining under chapter~~
29 ~~20, employees of the district board who are not exempt from~~
30 ~~chapter 20 are employees of the state, and the employees of all~~
31 ~~of the district boards shall be included within one collective~~
32 ~~bargaining unit.~~

33 Sec. 77. 2011 Iowa Acts, chapter 118, section 19, subsection
34 1, is amended to read as follows:

35 1. All employees of the department of economic development

1 shall be considered employees of the economic development
2 authority upon the elimination of the former and creation of
3 the latter. ~~If an employee of the department is an employee
4 covered under the collective bargaining provisions of chapter
5 20, then that employee shall also be covered under chapter 20
6 upon employment with the authority.~~

7 Sec. 78. 2011 Iowa Acts, chapter 118, section 51, subsection
8 5, is amended by striking the subsection.

9 Sec. 79. 2011 Iowa Acts, chapter 129, section 115,
10 subsection 2, paragraph b, is amended by striking the
11 paragraph.

12 Sec. 80. 2011 Iowa Acts, chapter 130, section 69, subsection
13 2, is amended by striking the subsection.

14 Sec. 81. 2011 Iowa Acts, chapter 131, section 48, is amended
15 to read as follows:

16 SEC. 48. SALARY MODEL ADMINISTRATOR. The salary model
17 administrator shall work in conjunction with the legislative
18 services agency to maintain the state's salary model used for
19 analyzing, comparing, and projecting state employee salary
20 and benefit information, including information relating to
21 employees of the state board of regents. The department of
22 revenue, the department of administrative services, the five
23 institutions under the jurisdiction of the state board of
24 regents, the judicial district departments of correctional
25 services, and the state department of transportation shall
26 provide salary data to the department of management and the
27 legislative services agency to operate the state's salary
28 model. The format and frequency of provision of the salary
29 data shall be determined by the department of management and
30 the legislative services agency. The information shall be
31 ~~used in collective bargaining processes under chapter 20 and
32 in calculating the funding needs contained within the annual
33 salary adjustment legislation. A state employee organization
34 as defined in section 20.3, subsection 4, may request
35 information produced by the model, but the information provided~~

1 ~~shall not contain information attributable to individual~~
2 ~~employees.~~

3 Sec. 82. 2011 Iowa Acts, chapter 132, section 15, is amended
4 by striking the section and inserting in lieu thereof the
5 following:

6 SEC. 15. Section 261E.9, subsections 1 through 3, Code 2011,
7 are amended to read as follows:

8 1. a. A regional academy is a program established by
9 a school district to which multiple school districts send
10 students in grades ~~nine~~ seven through twelve, ~~and which may~~
11 ~~include internet-based coursework and courses delivered via the~~
12 ~~Iowa communications network.~~ A regional academy shall include
13 ~~in its curriculum advanced level courses and may include in its~~
14 ~~curriculum career and technical courses.~~ A school district
15 establishing a regional academy may collaborate and partner
16 with, enter into an agreement pursuant to chapter 28E with,
17 or enter into a contract with, one or more school districts,
18 area education agencies, community colleges, accredited public
19 and private postsecondary institutions, accredited nonpublic
20 schools, businesses, and private agencies located within or
21 outside of the state.

22 b. The purpose of a regional academy established pursuant
23 to this section shall be to build a culture of innovation for
24 students and community, to diversify educational and economic
25 opportunities by engaging in learning experiences that involve
26 students in complex, real-world projects, and to develop
27 regional or global innovation networks.

28 c. If a school district establishing a regional academy in
29 accordance with this section submits a plan to the department
30 for approval that demonstrates how the regional academy will
31 increase and assess student achievement or increase and assess
32 competency-based learning opportunities for students, the
33 department may waive or modify any statutory or regulatory
34 provision applicable to school districts except the department
35 shall not waive or modify any statutory or regulatory provision

1 relating to requirements applicable to school districts
2 under chapters 11, 21, 22, 216, 216A, 256B, 279, 284, and
3 285; or relating to contracts with and discharge of teachers
4 and administrators under chapter 279; or relating to audit
5 requirements under section 256.9, subsection 20, and section
6 279.29.

7 2. a. A regional academy course shall ~~not qualify as a~~
8 ~~concurrent enrollment course~~ include in its curriculum advanced
9 level courses.

10 b. A regional academy may include in its curriculum virtual
11 or internet-based coursework and courses delivered via the Iowa
12 communications network, career and technical courses, core
13 curriculum coursework, courses required pursuant to section
14 256.7, subsection 26, or section 256.11, subsections 4 and 5,
15 and asynchronous learning networks.

16 3. School districts participating in regional academies are
17 eligible for supplementary weighting as provided in section
18 257.11, subsection 2. The school districts participating in
19 the regional academy shall enter into an agreement on how the
20 funding generated by the supplementary weighting received shall
21 be used and shall submit the agreement to the department for
22 approval.

23 Sec. 83. 2011 Iowa Acts, chapter 134, section 14, subsection
24 7, is amended to read as follows:

25 7. For deposit in the sick leave benefits fund established
26 under section 80.42 for all departmental employees eligible to
27 receive benefits for accrued sick leave ~~under the collective~~
28 ~~bargaining agreement:~~

29 \$ 279,517

30 Sec. 84. REPEAL. Sections 12.9, 70A.17A, 70A.19, 70A.37,
31 100B.8, 273.12, and 602.11108, Code 2011, are repealed.

32 Sec. 85. REPEAL. Chapter 20, Code 2011, is repealed.

33 Sec. 86. REPEAL. 2011 Iowa Acts, chapter 131, section 47,
34 is repealed.

35 Sec. 87. RENEWAL OR MODIFICATION OF AGREEMENTS

1 PROHIBITED. On and after the effective date of this division
2 of this Act, the state of Iowa, its agencies, departments,
3 boards, commissions, and its political subdivisions are
4 prohibited from renewing or modifying any collective bargaining
5 agreement entered into pursuant to chapter 20 as codified prior
6 to the effective date of this division of this Act.

7 Sec. 88. REPORT ON CHANGES IN LAW. By December 3, 2012,
8 any agency, department, board, or commission of this state
9 or a political subdivision affected by this division of this
10 Act may submit a report to the general assembly recommending
11 any transition provisions and any changes to the Code,
12 administrative rules, or other law that may be necessary to
13 fully implement this division of this Act.

14 Sec. 89. EFFECTIVE UPON ENACTMENT. This division of this
15 Act, being deemed of immediate importance, takes effect upon
16 enactment.

17 Sec. 90. APPLICABILITY. This division of this Act does not
18 apply to those collective bargaining agreements entered into
19 before the effective date of this division of this Act.

20 DIVISION II

21 PUBLIC EMPLOYMENT RELATIONS BOARD TRANSITION

22 Sec. 91. NEW SECTION. 8B.1 Purposes.

23 The purposes of the public employment relations board
24 established by this chapter are to implement provisions of the
25 Code relating to the board. For these purposes the powers
26 and duties of the board include but are not limited to the
27 following:

28 1. Adjudicating and serving as arbitrators regarding state
29 merit system grievances.

30 2. Collecting and disseminating information concerning the
31 wages, hours, and other conditions of employment of public
32 employees.

33 3. Preparing legal briefs and presenting oral arguments in
34 the district court, the court of appeals, and the supreme court
35 in cases affecting the board.

1 Sec. 92. NEW SECTION. **8B.2 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Board*" means the public employment relations board
5 established under section 8B.4.

6 2. *a.* "*Confidential employee*" means any public employee who
7 works in the personnel offices of a public employer or who has
8 access to information subject to use by the public employer
9 in negotiating or who works in a close continuing working
10 relationship with public officers or representatives associated
11 with negotiating on behalf of the public employer.

12 *b.* "*Confidential employee*" also includes the personal
13 secretary of any of the following: Any elected official or
14 person appointed to fill a vacancy in an elective office,
15 member of any board or commission, the administrative officer,
16 director, or chief executive officer of a public employer or
17 major division thereof, or the deputy or first assistant of any
18 of the foregoing.

19 3. "*Professional employee*" means any one of the following:

20 *a.* An employee engaged in work meeting all of the following
21 criteria:

22 (1) Predominantly intellectual and varied in character as
23 opposed to routine mental, manual, mechanical, or physical
24 work.

25 (2) Involving the consistent exercise of discretion and
26 judgment in its performance.

27 (3) Of such a character that the output produced or the
28 result accomplished cannot be standardized in relation to a
29 given period of time.

30 (4) Requiring knowledge of an advanced type in a field
31 of science or learning customarily acquired by a prolonged
32 course of specialized intellectual instruction and study in an
33 institution of higher learning or a hospital, as distinguished
34 from a general academic education or from an apprenticeship or
35 from training in the performance of routine mental, manual, or

1 physical processes.

2 *b.* An employee who meets all of the following criteria:

3 (1) Has completed the courses of specialized intellectual
4 instruction and study described in paragraph "a", subparagraph
5 (4).

6 (2) Is performing related work under the supervision of
7 a professional person to qualify the employee to become a
8 professional employee as defined in paragraph "a".

9 4. "*Public employee*" means an individual employed by
10 a public employer, except individuals exempted under the
11 provisions of section 8B.3.

12 5. "*Public employer*" means the state of Iowa, its boards,
13 commissions, agencies, departments, and its political
14 subdivisions, including school districts and other special
15 purpose districts.

16 Sec. 93. NEW SECTION. **8B.3 Exclusions.**

17 The following public employees shall be excluded from the
18 provisions of this chapter:

19 1. Elected officials and persons appointed to fill
20 vacancies in elective offices, and members of any board or
21 commission.

22 2. Representatives of a public employer, including the
23 administrative officer, director or chief executive officer
24 of a public employer or major division thereof as well as
25 the officer's or director's deputy, first assistant, and
26 any supervisory employees. "*Supervisory employee*" means
27 any individual having authority in the interest of the
28 public employer to hire, transfer, suspend, lay off, recall,
29 promote, discharge, assign, reward, or discipline other public
30 employees, or the responsibility to direct them, or to adjust
31 their grievances, or effectively to recommend such action, if,
32 in connection with the foregoing, exercise of such authority
33 is not of a merely routine or clerical nature, but requires
34 the use of independent judgment. All school superintendents,
35 assistant superintendents, principals, and assistant principals

1 shall be deemed to be supervisory employees.

2 3. Confidential employees.

3 4. Students working as part-time public employees twenty
4 hours per week or less, except graduate or other postgraduate
5 students in preparation for a profession who are engaged in
6 academically related employment as a teaching, research, or
7 service assistant.

8 5. Temporary public employees employed for a period of four
9 months or less.

10 6. Commissioned and enlisted personnel of the Iowa national
11 guard.

12 7. Judicial officers, and confidential, professional, or
13 supervisory employees of the judicial branch.

14 8. Patients and inmates employed, sentenced, or committed
15 to any state or local institution.

16 9. Persons employed by the department of justice, except
17 nonsupervisory employees of the consumer advocate division who
18 are employed primarily for the purpose of performing technical
19 analysis of nonlegal issues.

20 10. Persons employed by the credit union division of the
21 department of commerce.

22 11. Persons employed by the banking division of the
23 department of commerce.

24 12. The appointee serving as the coordinator of the office
25 of renewable fuels and coproducts, as provided in section
26 159A.3.

27 Sec. 94. NEW SECTION. 8B.4 Public employment relations
28 board.

29 1. A board to be known as the public employment relations
30 board is established.

31 a. The board shall consist of three members appointed by the
32 governor, subject to confirmation by the senate. In selecting
33 the members of the board, consideration shall be given to their
34 knowledge, ability, and experience. No more than two members
35 shall be of the same political affiliation, no member shall

1 engage in any political activity while holding office, and the
2 members shall devote full time to their duties.

3 *b.* The members shall be appointed for staggered terms of
4 four years beginning and ending as provided in section 69.19.

5 *c.* The member first appointed for a term of four years shall
6 serve as chairperson and each of the member's successors shall
7 also serve as chairperson.

8 *d.* Any vacancy occurring shall be filled in the same manner
9 as regular appointments are made.

10 2. The board may employ such persons as are necessary for
11 the performance of its functions. Personnel of the board
12 shall be employed pursuant to the provisions of chapter 8A,
13 subchapter IV.

14 3. The chairperson and the remaining two members shall be
15 compensated as provided in section 7E.6, subsection 5. Members
16 of the board and employees of the board shall be allowed their
17 actual and necessary expenses incurred in the performance of
18 their duties. All expenses and salaries shall be paid from
19 appropriations for such purposes and the board shall be subject
20 to the budget requirements of chapter 8.

21 Sec. 95. NEW SECTION. **8B.5 General powers and duties of**
22 **the board.**

23 The board shall do all of the following:

24 1. Interpret, apply, and administer the provisions of this
25 chapter.

26 2. Collect, for public employers other than the state and
27 its boards, commissions, departments, and agencies, data and
28 conduct studies relating to wages, hours, benefits, and other
29 terms and conditions of public employment and make the same
30 available to any interested person or organization.

31 3. Hold hearings and administer oaths, examine witnesses
32 and documents, take testimony and receive evidence, issue
33 subpoenas to compel the attendance of witnesses and the
34 production of records, and delegate such power to a member
35 of the board, persons appointed or employed by the board,

1 including administrative law judges, or administrative law
2 judges employed by the division of administrative hearings
3 created by section 10A.801, for the performance of its
4 functions. The board may petition the district court at the
5 seat of government or of the county where a hearing is held to
6 enforce a board order compelling the attendance of witnesses
7 and production of records.

8 4. Adopt rules in accordance with the provisions of chapter
9 17A as it may deem necessary to carry out the purposes of this
10 chapter.

11 Sec. 96. NEW SECTION. **8B.6 REPEAL.**

12 This chapter is repealed on June 30, 2017.

13 Sec. 97. CONTINUITY OF DUTIES. The public employment
14 relations board shall continue to carry out all duties of
15 the board relating to public employee collective bargaining
16 under chapter 20 as codified prior to the effective date of
17 division I of this Act, until the expiration or termination of
18 all collective bargaining agreements entered into pursuant to
19 chapter 20 as codified prior to the effective date of division
20 I of this Act.

21 Sec. 98. REPORT ON CHANGES IN LAW. By December 3, 2012, the
22 public employment relations board shall submit a report to the
23 general assembly recommending any transition provisions and any
24 changes to the Code, administrative rules, or other law that
25 may be necessary to fully implement this Act.

26 Sec. 99. EFFECTIVE UPON ENACTMENT. This division of this
27 Act, being deemed of immediate importance, takes effect upon
28 enactment.

29

EXPLANATION

30 Division I of this bill repeals Code chapter 20, the "Public
31 Employment Relations Act". Code chapter 20 regulates public
32 employees who are eligible to collectively bargain, establishes
33 a process for public employee collective bargaining,
34 establishes the public employment relations board, and
35 provides for related matters. Division I strikes references

1 to collective bargaining relating to Code chapter 20 from the
2 Iowa Code.

3 Division I prohibits the state, its agencies, departments,
4 boards, commissions, and its political subdivisions from
5 renewing or modifying after the effective date of division I
6 any collective bargaining agreement entered into pursuant to
7 Code chapter 20 as codified prior to the effective date of
8 division I. Division I provides that any agency, department,
9 board, or commission of the state or a political subdivision
10 affected by division I may submit a report to the general
11 assembly recommending any transition provisions and any changes
12 to the Code, administrative rules, or other law that may be
13 necessary to fully implement division I. Division I does not
14 apply to collective bargaining agreements entered into before
15 the effective date of division I. Division I takes effect upon
16 enactment.

17 Division II of the bill transfers provisions of Code chapter
18 20 establishing the public employment relations board which do
19 not concern public employee collective bargaining to new Code
20 chapter 8B. Division II sets out certain duties of the board,
21 including adjudicating grievances under the state merit system
22 and collecting and disseminating information concerning the
23 wages, hours, and other conditions of employment of certain
24 public employees. Code chapter 8B is repealed June 30, 2017.

25 Division II directs the public employment relations board to
26 continue to carry out all duties relating to public employee
27 collective bargaining under Code chapter 20 as codified prior
28 to the effective date of division I, until the expiration or
29 termination of all collective bargaining agreements entered
30 into pursuant to Code chapter 20 as codified prior to the
31 effective date of division I. Division II directs the public
32 employment relations board to submit a report to the general
33 assembly recommending any transition provisions and any changes
34 to the Code, administrative rules, or other law that may be
35 necessary to fully implement the bill. Division II takes

1 effect upon enactment.