

Frequently Asked Questions about Public Sector Bargaining under Iowa's New Law



"Working Together For All Iowans"

Frequently Asked Questions about Public Sector Bargaining under Iowa's New Law

This FAQ is intended to assist union and community members in sharing accurate information with elected board and council members about collective bargaining in Iowa. Many local elected officials report that they usually don't pay much attention to bargaining because it's something their staff or attorneys handle. At the same time, some elected officials report feeling misled or misinformed by administrators about what's legal (or not), and what's happening in local bargaining.

Major decisions should never be based on ignorance, secrecy, or misinformation! Share the facts with local decision-makers, and help preserve long-standing union contracts in Iowa communities.

Q: Does the new law require public employers to strip contracts?

A: No. Cities, counties, or school boards who strip contracts are doing so by choice. In fact, many are choosing to respect their employees and maintain strong contracts.

Q: Our local elected officials are telling us they don't know anything about what's going on in bargaining. What roles should our council or board members play in the bargaining process? Aren't they supposed to be in charge?

A: Yes. Especially in the confusing new legal environment created by the state legislature, local elected officials need to take an active role in the bargaining process.

Locally elected County Supervisors, City Councilors, and School Board members ARE the legally recognized employers of local public workers, and are responsible for directing, knowing about, and ultimately approving or rejecting bargaining agreements.¹ Whether they sit at the bargaining table in person or not, local elected officials bear the legal obligation to bargain in good faith with public employee unions, and they bear responsibility (along with any political consequences) for how contracts turn out.

Many councils and boards traditionally assign staff or outside attorneys to conduct negotiations on their behalf. Even when local officials have someone else represent them at the table, it remains the board or council's responsibility to set parameters for bargaining, and to remain informed about whether bargaining is going in a direction they approve of.

In cases where administrators are actively keeping elected officials in the dark, elected officials need to reassert their roles, and require that anyone bargaining on their behalf keep them informed and follow their direction.

Q: I heard the legislature tried to take away all our bargaining rights last year. What can we still negotiate?

A: Almost everything—except for a few prohibited topics—*can* still be negotiated, when local leaders commit to doing so. The state lowered the bar for public sector negotiations in

¹ Iowa code (Chapter 20) defines the public employer as “the state of Iowa, its boards, commissions, agencies, departments, and its political subdivisions including school districts and other special purpose districts.”

2017, while dumping many critical decisions in the lap of local communities. Now only one subject—base wages—is mandatory to discuss. Most other subjects are now optional (called “permissive” in the law), meaning they CAN be negotiated, if both parties agree.²

To summarize: Base wages MUST be bargained. Other items that CAN still be bargained and CAN remain in contracts include:

- Overtime pay
- Incentive pay for certain shifts, additional duties, years of service or other factors
- Hours and work schedules
- Breaks and lunch periods
- Vacation, sick leave, bereavement leave, holidays, or other time off
- Grievance procedures for resolving workplace problems
- “Just cause” standards to ensure due process in discipline
- Seniority
- Health and safety provisions
- Job postings, classifications, training
- **And ANY other topic not listed as prohibited**

The few items that CAN’T be bargained are pensions, health insurance, supplemental pay, procedures for transfers, evaluations, or staff reductions, subcontracting, leaves of absence for political activities, and payroll deductions of dues or political contributions. While these “prohibited” items can’t be included in collective bargaining agreements, they can still be discussed in other settings, and union-management agreements on these items can be adopted as policy or in employee handbooks.

Communities that truly value their public employees should commit to the principle that any language not “prohibited” should be retained, in the contract, where it belongs.

Q: We invited the mayor to meet with some union and community members to discuss concerns about the city’s opening bargaining proposal. The mayor wrote back saying she’s not allowed to talk to anyone about bargaining (according to advice she got from the city attorney). Is that true?

A: No. Collective bargaining is not a secret process.

IN FACT: Iowa’s law requires union and management opening proposals to be made in public. The assumption is that the public has an interest in the outcome of bargaining, and a right to comment on what happens at the bargaining table. Subsequent bargaining sessions are closed to the public (meaning the public can’t attend unless invited), but either party is free to talk with others about what’s happening, and final agreements must be public.³

Union members and community members CAN (and should) meet with elected officials during negotiations to express their views.⁴ Truthfully informing local leaders of the status of negotiations and expressing concerns is not prohibited.

² See Iowa Code section 20.9.

³ See Iowa Code sections 20.17(3), 20.17(4), and 20.29(3).

⁴ Iowa Code section 20.10(3)(j) does prohibit the union from *negotiating* with members of the governing board of a public employer who is not the designated bargaining representative of the employer. But there is a difference between *negotiating* (making proposals and seeking to reach agreement on contract items) and *talking* about bargaining or expressing opinions about bargaining goals. This part of the law should not be used to scare people out of discussing important public and employee concerns about what’s happening in bargaining.

Public employees CAN use their rights to engage in concerted activities throughout the bargaining process—including appealing to elected officials and the public. This means they can contact elected officials, speak publicly at board or council meetings, write letters to the editor, share information with community allies, distribute leaflets, and hold forums, rallies, press conferences, informational pickets, etc. as necessary to get their views across.⁵

Community residents or members of other unions likewise have the right to freely approach elected officials about bargaining just as they would about any other issue of concern to them as citizens and voters. Elected officials who refuse to discuss bargaining should be asked why they are ignoring the democratic input of their constituents.

Q: Our local elected officials already promised nothing would change for us under the new law, because they'll move all our old contract language into a handbook. Is this true?

A: No. Collective bargaining is a formal process in which employer and employee representatives negotiate agreements into a legally binding contract.

An employee handbook, by contrast, states only management's intention at the time it is written. Management can change the handbook at any time, and it is not legally enforceable.

Do not be fooled by anyone who tries to convince you that a handbook is as good as a collective bargaining agreement. Iowa's Public Employment Relations Act was in fact passed in 1974 in part because handbooks had proven ineffective as a means of creating fair or stable employment policies.⁶ A handbook provides none of the protections that a collective bargaining agreement does. If management really has no intention of changing its policies, then they should be willing to leave them in a contract. Except for "prohibited" items (which may legally have to be moved from the contract to a handbook), all other subjects can and should be left in the legally binding contract.

Q: Management told us that under the new law, they are limited to only signing one-year contracts. Is that true?

A: No. The length of contracts between public employers and public employee unions is negotiable (as a "permissive" topic) under Iowa law.⁷ So either party (the union or management) could refuse to negotiate about the length of contract, and insist on an agreement of just one year. Or management and the union can work together to decide what length of agreement makes the most sense for their situation. Iowa law allows local public sector contracts to be up to five years long.⁸

⁵ The rights of public employees to engage in these and other types of "concerted activities" are legally protected under Iowa Code section 20.8(3).

⁶ For example, the Iowa Supreme Court has ruled that even labor-management agreements that are formally adopted as board policies can be changed at the discretion of the board, and are not legally enforceable as contracts (*Service Employees International Union v. Cedar Rapids Schools*, 22 NW2d 404 (Iowa 1974)).

⁷ Except for contracts with state employees, which must be two years in length, with the contract beginning in odd-numbered years (Iowa Code section 20.15(6)).

⁸ See Iowa Code section 20.9(4).