

Group: Labor bill's scope would be widest in U.S.

BY JASON CLAYWORTH • REGISTER STAFF WRITER • MARCH 26, 2008

Iowa would have the widest-reaching union rights for public employees in the nation under a proposal that Democratic leaders pushed through the Legislature during the past week, according to a nonprofit group.

While 27 states allow a wide range of topics to be included in collective bargaining, all have narrower laws for using binding arbitration to resolve disputes than Iowa's pending legislation would provide.



3 STEPS TO RESOLVING DISAGREEMENTS

If unions are unable to reach an agreement while negotiating contracts for public employees, the disagreements are generally handled by taking the following three steps.

MEDIATION: A mediator appointed from the Iowa Public Employee Relations Board, or PERB, sits down with each party to try to work out the differences. If that fails, the unresolved issues will go to a process known as fact finding.

FACT FINDING: This is, in some ways, like a minitrial in which both sides present information. The fact finder is typically a labor attorney or professor who is certified by PERB. This process often costs between \$2,000 and \$3,000, which is typically split between the union and government bodies. The fact finder will make a recommendation, which can split the difference between what is requested by the union and what government officials propose. That recommendation, however, is not binding, and if either party disagrees, it may choose to use an arbitrator.

ARBITRATION: An arbitrator reviews the information presented by both sides and by the fact finder, and decides what is appropriate. Unlike a fact finder, an arbitrator cannot negotiate. The arbitrator rules that either the fact finder's, the union's or the government's final offer is appropriate. While rare, the decision can be appealed to district court. In most cases, the determination by an arbitrator is final.

Advocates say having the nation's strongest union laws would strengthen worker rights. Opponents argue that taxes would spike if key decisions - regarding such subjects as early retirements and class sizes - are taken out of the hands of elected officials.

"It would be unprecedented, and I think it would be a devastating mistake if the governor signs it," said Simon Campbell, president of Stop Teacher Strikes, a nonprofit group based in Pennsylvania.

The legislation, House File 2645, expands the number of issues about which union officials may negotiate.

Public employees in the 27 other states have "open scope" negotiating powers like those in the proposed Iowa legislation. The difference between the Iowa proposal and the others relates to how disputes between unions and government bodies are resolved.

Iowa uses what is known as binding arbitration, which allows a third party to determine what is fair in a dispute. Binding arbitration prevents public employees from striking, which means most school employees and workers in essential services such as waste collection do not shut down during times of negotiation squabbles.

While other states specify arbitration powers, union leaders in none of the 27 "open scope" states are able to use binding arbitration exactly as it would be allowed in Iowa under House File 2645.

Public employees in other states can use arbitration only in specific situations or only when both parties mutually agree, according to Stop Teacher Strikes.

Under Iowa's proposed legislation, unions could make sweeping demands that would ultimately be resolved through arbitration, rather than by elected officials who are directly accountable to voters, Campbell said.

"The unions love this because what they do is ask for the moon, and if they get two-thirds of it, they feel like they've made a home run," Campbell said.

Union officials in Iowa say Campbell and groups such as the Iowa Association of School Boards are wrong to assume that the proposal would increase taxes. The proposal would give public employees the option to negotiate on a wider range of issues. Unions and local governments would not be required to negotiate on all the issues that would be available, unless one side determined that talks on a given issue were critical, they noted.

"I get tired of these Chicken Little 'the sky is falling' arguments," said Ken Sagar, president of the Iowa Federation of Labor. "It makes for good news stories and political fodder for this fall, but it does not move the state forward."

Professional fact-finders who help resolve union disputes rarely, if ever, side completely with either party in labor negotiations, said Wayne Newkirk, a retired Drake University labor economics professor who also is an arbitrator. Instead, they look at comparable data on specific issues and the financial situations of government bodies and try to find the fairest solution, he said.

"Arbitrators are not inclined to give the moon," Newkirk said in response to Campbell's comments.

Des Moines City Council members, both Democratic and Republican, have opposed the bill. Among their concerns are that an arbitrator, not elected officials, could force taxpayers to pay health insurance premiums for retired city employees; and that selection of insurance providers could be decided for the city, rather than be determined through competitive bidding.

"The potential cost implication of adding these new mandatory bargaining subjects is staggering," wrote Des Moines City Councilman Chris Coleman, a Democrat, in an e-mail to local lawmakers.

Taxpayer watchdog groups such as Iowans for Tax Relief, as well as groups such as the Iowa Association of School Boards, said this week that the fast passage of the legislation failed to give them time to conduct studies of how similar legislation has affected other states.

"We do believe with some pretty credible authority that you will see property taxes go up because of early retirement and some of the benefit discussions," said Margaret Buckton, a lobbyist for the school boards association.