

Red Tape Review Rule Report (Due: September 1, 2026)

Department Name:	Employment Appeal Board	Date:	May 5, 2026	Total Rule Count:	26
IAC #:	621	Chapter/ SubChapter/ Rule(s):	7 13 14	Iowa Code Section Authorizing Rule:	20.6(5) 20.17 20.19 20.20 20.22
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The purpose of Iowa Code chapter 20 is to promote harmonious and cooperative relationships between government and its employees. Chapters 7, 13, and 14 provide statutorily mandated guidance regarding impasse, mediation, and arbitration for issues related to public collective bargaining.

Is the benefit being achieved? Please provide evidence.

Yes. The rules ensure that public employers and employee organizations are able to utilize mediation and arbitration services, which allows them to set their annual budgets in a timely fashion.

What are the costs incurred by the public to comply with the rule?

None.

What are the costs to the agency or any other agency to implement/enforce the rule?

The only cost incurred by the EAB are personnel costs in processing the requests for mediation and arbitration.

Do the costs justify the benefits achieved? Please explain.

Yes, for very little cost, public employers are provided with conflict resolution that is a more economically feasible alternative to litigation.

However, chapters 13 and 14 are duplicative of information contained in Chapter 7. Additionally, the demand for mediation and arbitration has decreased significantly following the 2017 amendments to Chapter 20 that reduced the topics that are negotiable. The EAB has had no applicants for mediation. The EAB has very few applications for arbitrators. The EAB does not have the resources nor the demand that would justify the regulations in Chapters 13 and 14. Thus,

necessary language from those chapters will be moved to a new chapter that includes, impasse, mediation, and arbitration and chapters 13 and 14 will be rescinded in their entirety.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

These rules impose minimum restrictions on the parties requesting the services, only those necessary to assure orderly requests and resolution. The only less restrictive regulations would be if EAB were to pay for the services provided, but there is no requirement that EAB pay the mediators or arbitrators, and no money appropriated for that purpose.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

7.3(1). Mediation. Unnecessary language regarding the information that is required for a request for mediation. This language will be rescinded and replaced by referring the parties to a form on the EAB's website.

7.3(4). Duplicative of statutory language

7.5. Duplicative of statutory language

RULES PROPOSED FOR REPEAL (list rule number[s]):

7.2. Fees of neutrals. Cites to another rule and will be rescinded

7.4. Fact finding. Placeholder for previously rescinded rule.

13.1. Scope and authority.

13.2. Definitions.

13.3. List and status of members.

13.4. Mediator listing.

13.5. Independent contractor agreement.

13.6. Conflict of interest.

13.7. Confidentiality.

13.8. Complaints.

13.9. Inactive status.

14.1. Scope.

14.2. Definitions.

14.3. Roster and status of members.

14.4. Fees of arbitrators.

- 14.5. Arbitrator roster.
- 14.6. Interest arbitrator mentorship program.
- 14.7. Biography.
- 14.8. Conflict of interest.
- 14.9. Procedures for discipline and removal.
- 14.10. Inactive status.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	21
Proposed word count reduction after repeal and/or re-promulgation	5,040
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	82

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

CHAPTER 7
IMPASSE PROCEDURES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

621—7.1(20) General. Except as provided in paragraph 7.5(6) “b,” the rules set forth in this chapter are applicable only in the absence of an impasse agreement between the parties or the failure of either to utilize its procedures. Nothing in these rules shall be deemed to prohibit the parties, by mutual agreement, from proceeding directly to binding arbitration at any time after impasse.

[ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—7.2(20) Fees of neutrals. See rule 621—14.4(20).

[ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—7.3(20) Mediation.

7.3(1) Request for mediation. Either party to an impasse may request that the agency assign a mediator by requesting mediation services. Requests for mediation services shall be uploaded through suPERB.

A copy of the request for mediation shall be emailed to the agency and, in addition to the request for mediation, must contain:

a. The name, address, and telephone number of the requesting party, and the name, address, telephone number, and email address of its bargaining representative or of the chairperson of its bargaining team.

b. The name, address, and telephone number of the opposing party to the impasse, and the name, address, telephone number, and email address of its bargaining representative or of the chairperson of its bargaining team.

c. A description of the collective bargaining unit involved and the approximate number of employees in the unit.

d. A statement indicating whether the public employer of the unit involved is subject to the budget certification requirements of Iowa Code section 24.17 and, if the public employer is not subject to those requirements, a statement of the date upon which the public employer’s next fiscal or budget year commences.

e. A statement indicating whether the bargaining unit is a public safety or non-public safety unit as specified by Iowa Code section 20.3 and rule 621—6.4(20).

f. A concise and specific listing of the negotiated items upon which the parties have reached impasse.

g. A statement from the requesting party indicating whether the parties anticipate utilizing mediation services or the parties are putting PERB on notice that the employer and certified employee organization have commenced bargaining of a new contract. If the original request is filed for the purpose of compliance with Iowa Code section 20.22(1) and is merely notice the employer and certified employee organization have commenced bargaining, and it is later determined mediation services will be required, an amended request for mediation shall be filed with the agency.

7.3(2) Date, signature and notice. The request for mediation shall be dated and signed by an authorized representative of the requesting party. The requesting party shall also mail or email a copy of the request to the other parties to the negotiations.

7.3(3) Appointment of mediator. Upon receipt of a request for mediation, the board may appoint an impartial and disinterested person as mediator of the dispute and notify all parties of the appointment of the mediator. The board shall determine the effective date of this appointment.

7.3(4) Confidential nature of mediation. Any information, either written or oral, disclosed by the parties to the mediator in the performance of mediation duties shall not be discussed by the mediator voluntarily or by compulsion unless approved by the parties involved or permitted by Iowa Code section 20.31.

The mediator shall not disclose any information with regard to any mediation conducted on behalf of any party to any cause pending in a proceeding before a court, board, investigatory body or arbitrator, except as permitted by Iowa Code section 20.31, without the written consent of the public employment relations board. Without such written consent, the mediator shall respectfully decline, by reason of this rule, to divulge any information disclosed by a party in the performance of the mediator's duties.

7.3(5) Mediation proceedings. The mediator may hold separate or joint meetings with the parties or their representatives, and those meetings shall not be public. Mediation meetings shall be conducted at a time and place designated by the mediator. If an impasse exists ten days after the effective date of the appointment of a mediator, the mediator shall so notify the board.

7.3(6) Board mediator. When the mediator is an employee of the Public Employment Relations Board, that mediator shall not participate in any contested case arising out of any transaction or occurrence relating to those mediation activities.

7.3(7) Costs of mediation. The mediator shall submit in writing to the board a list of fees and expenses.

[**ARC 8317B**, IAB 12/2/09, effective 11/1/09; **ARC 8338B**, IAB 12/2/09, effective 11/10/09; **ARC 8953B**, IAB 7/28/10, effective 9/1/10; **ARC 3278C**, IAB 8/30/17, effective 8/10/17; **ARC 4457C**, IAB 5/22/19, effective 6/26/19; **ARC 5631C**, IAB 5/19/21, effective 6/23/21; **ARC 7011C**, IAB 5/3/23, effective 6/7/23]

621—7.4(20) Fact-finding. Rescinded IAB 7/28/10, effective 9/1/10.

621—7.5(20) Binding arbitration.

7.5(1) Request for arbitration. If the dispute remains unresolved ten days after the effective date of the appointment of the mediator, either party to the impasse may request the board to arrange for binding arbitration.

7.5(2) Form and contents of request. The request for arbitration shall be filed with the agency through suPERB and shall include the name, address, email address, and signature of the requesting party and the capacity in which the requesting party is acting.

7.5(3) Service of request. The requesting party shall mail or email a copy of the request for arbitration to the opposing party.

7.5(4) Exchange of final offers. Within four days of the board's receipt of the request for arbitration, each party shall mail or email its final offer on each of the impasse items to the other party to the impasse. Final offers shall not be amended. A party shall not submit a final offer for arbitration which has not been offered to the other party in the course of negotiations.

7.5(5) Selection of arbitrator. Upon the filing of a timely request for arbitration, the board shall email a list of five arbitrators to the parties. Within five days from when that email is sent, the parties shall select their arbitrator from the list in the manner specified in Iowa Code section 20.22(4).

7.5(6) Date and conduct of hearings.

a. Impasse items are deemed submitted to binding arbitration on the date of the commencement of the arbitration hearing, regardless of its duration. In disputes where the public employer is a community college, or where all or a portion of the public employees in the bargaining unit are teachers licensed under Iowa Code chapter 272 and the public employer is a school district or area education agency, the submission of impasse items to binding arbitration shall occur not later than May 13 of the year when the resulting collective bargaining agreement is to become effective.

b. Arbitration hearings shall be open to the public and shall be recorded either by mechanized means or by a certified shorthand reporter.

c. The arbitration hearing shall be limited to those factors listed in Iowa Code section 20.22 and subrules 7.5(7) and 7.5(8) and such other relevant factors as may enable the arbitrator to select the most reasonable offer, in the arbitrator's judgment, of the final offers submitted by the parties on each impasse item. Arbitrators appointed pursuant to impasse procedures agreed upon by the parties shall likewise consider these same factors.

During the hearing, the parties shall not introduce, and the arbitrator shall not accept or consider, any direct or indirect evidence regarding any subject excluded from negotiations pursuant to Iowa Code section 20.9, except as required for purposes of the consideration of the factors specified in subrule 7.5(7) and paragraph 7.5(8)“a.”

7.5(7) *Arbitration involving a bargaining unit that has at least 30 percent of members who are public safety employees.* The arbitrator shall consider and specifically address in the arbitrator’s determination, in addition to any other relevant factors, the following factors:

a. Past collective bargaining contracts between the parties including the bargaining that led up to such contracts.

b. Comparison of wages, hours and conditions of employment of the involved public employees with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

c. The interests and welfare of the public, the ability of the public employer to finance economic adjustments and the effect of such adjustments on the normal standard of services.

7.5(8) *Arbitration involving a bargaining unit that does not have at least 30 percent of members who are public safety employees.*

a. The arbitrator shall consider and specifically address in the arbitrator’s determination, in addition to any other relevant factors, the following factors:

(1) Comparison of base wages, hours, and conditions of employment of the involved public employees with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved. To the extent adequate, applicable data is available, the arbitrator shall also compare base wages, hours, and conditions of employment of the involved public employees with those of private sector employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

(2) The interests and welfare of the public.

(3) The financial ability of the employer to meet the cost of an offer in light of the current economic conditions of the public employer. The arbitrator shall give substantial weight to evidence that the public employer’s authority to utilize funds is restricted to special purposes or circumstances by state or federal law, rules, regulations, or grant requirements.

b. The arbitrator shall not consider the following factors:

(1) Past collective bargaining agreements between the parties or bargaining that led to such agreements.

(2) The public employer’s ability to fund an award through the increase or imposition of new taxes, fees, or charges or to develop other sources of revenue.

c. The arbitrator’s award on the impasse item of base wages shall not exceed the lesser of the following percentages in any one-year period in the duration of the bargaining agreement:

(1) Three percent.

(2) A percentage equal to the increase in the consumer price index for all urban consumers for the Midwest region, if any, as provided by the agency.

d. Should the final offers of both parties on the impasse item of base wages exceed the lesser of the percentages specified in paragraph 7.5(8)“c,” the arbitrator shall select neither of the parties’ offers, but shall instead award the lesser of the amounts listed in that paragraph.

7.5(9) *Continued bargaining.* The parties may continue to bargain on the impasse items before the arbitrator until the arbitrator’s selections are made. Should the parties reach agreement on an impasse item following its submission to arbitration, they shall immediately report their agreement to the arbitrator. The agreed upon term shall be incorporated into the parties’ collective bargaining agreement, and the arbitrator shall no longer consider the final offers of the parties on that impasse item.

7.5(10) Report of the arbitrator. With respect to each impasse item, the arbitrator's award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitrator, except as provided in paragraph 7.5(8) "c." Within 15 days after the arbitration hearing, the arbitrator shall issue a written award specifying and explaining the arbitrator's selections and serve each party and the board with a copy by ordinary mail or by email.

7.5(11) Dismissal of arbitrator. In the event of a failure of the arbitrator to issue an award within 15 days after the arbitration hearing, the arbitrator shall notify the board and the parties of this failure. Either party may thereafter request a new arbitrator. Unless the parties agree otherwise, the procedures in this rule shall apply; provided, however, that the parties may submit new final offers. No arbitrator shall issue a partial award except by mutual consent of the parties.

7.5(12) Costs of arbitration. The arbitrator shall submit to the parties a written statement of fees and expenses with a copy sent to the board. The parties shall share the costs of arbitration equally.

[ARC 8953B, IAB 7/28/10, effective 9/1/10; ARC 3278C, IAB 8/30/17, effective 8/10/17; ARC 4457C, IAB 5/22/19, effective 6/26/19; ARC 5631C, IAB 5/19/21, effective 6/23/21; ARC 7011C, IAB 5/3/23, effective 6/7/23]

621—7.6(20) Impasse procedures after completion deadline.

7.6(1) Objections. Any objection by a party to mediation or the conduct of arbitration proceedings which will not be completed by the applicable deadline for completion of impasse procedures shall be filed with the agency in accordance with rule 621—16.4(20). The objecting party shall promptly serve the other party with a copy of the objection and file proof thereof with the agency in accordance with 621—subrules 2.15(3) and 16.10(1). The objection shall be filed and served no later than 10 days after the filing with the agency of the request for mediation or arbitration to which the objection refers. For purposes of this rule, a single-party request for mediation which is filed more than 120 days prior to the applicable deadline for completion of impasse procedures or a request for arbitration which is filed prior to the filing period specified in subrule 7.5(1) shall be deemed filed on the first day of that filing period. Failure to file an objection in a timely manner may constitute waiver of such objection, in which case the applicable deadline for completion of impasse procedures shall not apply.

7.6(2) Response to objection. The nonobjecting party may, within 10 days following the filing of an objection with the board, file a response asserting that, because of deliberate delay on the part of the objecting party, or unavoidable casualty, misfortune or other events beyond the parties' control, impasse procedures should continue beyond the applicable deadline. A response may additionally or alternatively assert that the deadline relied upon by the objecting party is inapplicable for reasons set forth in the response, or may assert other reasons why impasse procedures should not be terminated. If a response is not filed within the time allowed by this subrule, the board may issue an order terminating further impasse procedures.

7.6(3) Procedure. Filing of an objection before the applicable deadline for completion of impasse procedures shall not affect the obligation of each party to continue the impasse procedures. Further, the board may postpone hearing on the objection if it determines that mediation may take place or that an arbitration award may be rendered on or before the applicable deadline. In making that determination, the board will attempt to expedite any remaining impasse proceedings, but no party shall be required to waive or shorten any mandatory statutory time periods which apply to that party.

7.6(4) Hearings. Insofar as is applicable, hearings on a party's objection shall be conducted pursuant to 621—Chapter 2. The nonobjecting party shall proceed first and shall have the burden to show that impasse procedures should not be terminated. The board shall then issue a final order that further impasse procedures should be completed or should continue for a specified period of time or should be terminated.

7.6(5) Objections. Objections and relevant documents to the objection shall be filed in the electronic document management system (EDMS).

[ARC 8953B, IAB 7/28/10, effective 9/1/10; ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 7011C, IAB 5/3/23, effective 6/7/23]

621—7.7(20) Impasse procedures for state employees.

7.7(1) Procedures. Statutory procedures in Iowa Code sections 20.20 to 20.22, and independent impasse procedures negotiated by the parties must provide that the impasse be submitted to binding arbitration and the arbitration hearing concluded no later than February 28, and that any arbitrator's award will be issued on or before March 15. This rule does not preclude the parties from mutually agreeing to a date other than February 28, but the agreement must result in an arbitration award on or before March 15.

7.7(2) Procedures for state agreements effective in a year following an Iowa Code section 39.9 gubernatorial election.

a. A ratification election referred to in Iowa Code section 20.17(4) shall not be held and the parties shall not request arbitration pursuant to Iowa Code section 20.22(1) until at least two weeks after the beginning date of the governor's term of office.

b. Within five days from the beginning date of the governor's term of office, the governor shall accept or reject a proposed statewide collective bargaining agreement if one exists. If the proposed agreement is rejected, the parties shall commence bargaining anew in accordance with Iowa Code section 20.17 and exchange initial proposals within the same five-day period.

c. Negotiations shall be complete not later than March 15 of that year unless the parties mutually agree to a different deadline.

d. The parties shall mutually agree to alternative deadlines for the completion of bargaining procedures set forth in Iowa Code sections 20.19, 20.20, and 20.22 to ensure the completion of negotiations not later than March 15 or other mutually agreeable deadline.

7.7(3) Independent procedures. Independent impasse procedures negotiated by the parties must provide that the impasse will be submitted to binding arbitration, and any hearing thereon concluded no later than February 28, and that any arbitrator's award will be issued on or before March 15.

7.7(4) Statutory procedures. In the absence of independent procedures, the procedures in Iowa Code sections 20.20 and 20.22 and rules 621—7.1(20) to 621—7.5(20) shall apply, except that a single-party request for mediation must be filed no later than December 14, a request for binding arbitration must be filed by February 1, and an arbitration hearing must be concluded no later than February 28.

7.7(5) New certifications. Statutory impasse procedures under these rules shall not be available if the employee organization has been certified later than December 1. This rule does not preclude the parties from negotiating independent impasse procedures if an employee organization is certified after December 1 and the procedures will result in an arbitration award on or before March 15.

7.7(6) Negotiability disputes. Disputes concerning the negotiability of any subject of bargaining shall be submitted to the board for determination pursuant to 621—6.3(20) no later than March 1. An arbitration award rendered prior to final determination of the negotiability dispute will be made conditional upon such determination. Notwithstanding the provisions of 621—2.19(20), no stay of impasse procedures will be granted during the pendency of any negotiability dispute, petition for declaratory order, or prohibited practice complaint.

7.7(7) EDMS. Negotiability disputes concerning state employees and relevant documents to the objection shall be filed in EDMS.

This rule is intended to implement Iowa Code section 20.17.

[ARC 8953B, IAB 7/28/10, effective 9/1/10; ARC 3803C, IAB 5/9/18, effective 6/13/18; ARC 7011C, IAB 5/3/23, effective 6/7/23]

These rules are intended to implement Iowa Code chapter 20.

[Filed 3/4/75]

[Filed emergency 12/30/75—published 1/26/76, effective 12/30/75]

[Filed 10/29/76, Notice 9/22/76—published 11/17/76, effective 12/22/76]

[Filed emergency 10/26/77 after Notice 9/21/77—published 11/16/77, effective 11/1/77]

[Filed 10/26/77, Notice 9/21/77—published 11/16/77, effective 12/21/77]

[Filed 9/11/79, Notice 7/11/79—published 10/3/79, effective 11/12/79]
[Filed 11/7/80, Notice 9/17/80—published 11/26/80, effective 12/31/80]
[Filed 10/22/82, Notice 9/15/82—published 11/10/82, effective 12/15/82],
 [Filed emergency 7/23/85—published 8/14/85, effective 7/23/85]
 [Filed 10/9/86, Notice 8/27/86—published 11/5/86, effective 12/10/86]
[Filed 10/24/90, Notice 9/19/90—published 11/14/90, effective 12/19/90]
 [Filed emergency 9/18/91—published 10/16/91, effective 9/20/91]
 [Filed emergency 9/25/92—published 10/14/92, effective 9/28/92]
 [Filed emergency 11/18/94—published 12/7/94, effective 11/21/94]
 [Filed 1/11/95, Notice 12/7/94—published 2/1/95, effective 3/8/95]
[Filed 1/22/97, Notice 12/18/96—published 2/12/97, effective 3/19/97]
 [Filed 4/15/99, Notice 3/10/99—published 5/5/99, effective 7/1/99]
 [Filed Emergency ARC 8317B, IAB 12/2/09, effective 11/1/09]
 [Filed Emergency ARC 8338B, IAB 12/2/09, effective 11/10/09]
 [Filed Without Notice ARC 8953B, IAB 7/28/10, effective 9/1/10]
[Filed ARC 1583C (Notice ARC 1507C, IAB 6/25/14), IAB 8/20/14, effective 9/24/14]
 [Filed Emergency ARC 2988C, IAB 3/15/17, effective 2/22/17]
 [Filed Emergency ARC 3278C, IAB 8/30/17, effective 8/10/17]
[Filed ARC 3803C (Notice ARC 3671C, IAB 3/14/18), IAB 5/9/18, effective 6/13/18]
[Filed ARC 4457C (Notice ARC 4365C, IAB 3/27/19), IAB 5/22/19, effective 6/26/19]
[Filed ARC 5631C (Notice ARC 5534C, IAB 3/24/21), IAB 5/19/21, effective 6/23/21]
 [Filed ARC 7011C (Notice ARC 6912C, IAB 2/22/23), IAB 5/3/23, effective 6/7/23]
Effective date of 7.2 delayed by the Administrative Rules Review Committee 45 days after convening
of the next General Assembly pursuant to §17A.8(9).

CHAPTER 13
MEDIATORS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

621—13.1(20) Scope and authority. This chapter applies to all mediators listed on the agency’s mediator list and to all persons applying for inclusion on the list.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—13.2(20) Definitions.

“*Ad hoc mediator*” means a person included on the list who enters into an independent contractor agreement with the agency to provide mediation to parties requesting impasse services pursuant to Iowa Code section 20.20.

“*Advocate*” means a person who represents employers, employee organizations, or individuals or entities in labor relations or employment relations matters, including but not limited to the subjects of union representation and recognition matters, negotiations, mediation, arbitration, unfair or prohibited labor practices, equal employment opportunity, and other areas generally recognized as constituting labor or employment relations. “Advocate” includes representatives of employers or employees in individual cases or controversies involving workers’ compensation, occupational health or safety, minimum wage, or other labor standards matters. “Advocate” also includes persons directly or indirectly associated with an advocate in a business or professional relationship as, for example, partners or employees of a law firm.

“*FMCS*” means the Federal Mediation and Conciliation Service.

“*Qualified-mediator list*” or “*list*” means the agency-maintained list of mediators who have met the criteria set forth in this chapter.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—13.3(20) List and status of members.

13.3(1) *The list.* The agency shall maintain a list of mediators who meet the criteria for listing contained in rule 621—13.4(20) and who remain in good standing.

13.3(2) *Adherence to standards and requirements.* Persons included on the list shall comply with the agency’s administrative rules pertaining to mediation. Mediators shall conform to the ethical standards and procedures set forth in the current Code of Professional Conduct for Labor Mediators, as approved and published by the Association of Labor Relations Agencies, and chapter 11 of the Iowa Court Rules. When in conflict, the Code of Professional Conduct for Labor Mediators shall take precedence over the Iowa Court Rules.

13.3(3) *Status of FMCS and ad hoc mediators.* Ad hoc mediators and mediators employed by FMCS are not employees of the state of Iowa.

13.3(4) *Rights of persons on the list.* Placement on the list shall be at the sole discretion of the board.

13.3(5) *Assignments.* The agency has sole discretion to make and modify mediation assignments.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—13.4(20) Mediator listing.

13.4(1) *Categories of mediators.* The list shall consist of three categories of mediators:

- a. The agency’s professional staff;
- b. Mediators employed by FMCS; and
- c. Ad hoc mediators.

13.4(2) *Application procedures for ad hoc mediators.* Persons seeking to be included on the list must complete and submit an application to the agency. Applicants shall submit at least two professional references, preferably one reference from management and one reference from labor. The board will review the application under the criteria set forth in this rule and shall make a final decision

as to whether an applicant may be placed on the list. Satisfactorily meeting all criteria does not entitle an applicant to inclusion on the list. Each applicant shall be notified in writing of the board's decision.

13.4(3) Knowledge and abilities. Applicants must establish requisite knowledge and abilities as follows:

- a. Good verbal and written communication skills;
- b. The ability and willingness to travel throughout Iowa and to work prolonged and unusual hours;
- c. Knowledge of Iowa Code chapter 20, the agency's administrative rules, and principles and practices of contracts, public finance, and labor relations; and
- d. The ability and willingness to conduct a mediation in a fair and impartial manner.

13.4(4) Experience. Applicants must demonstrate requisite experience in labor relations or mediation in one of the following ways:

- a. At least three years of collective bargaining experience in the public or private sector;
- b. At least three years of actual mediation experience;
- c. At least five years of other relevant experience in labor-related fields including but not limited to human resource management, industrial relations, and labor unionism;
- d. A law degree or a master's or equivalent degree in industrial or labor relations or alternative dispute resolution; or
- e. Experience that is a combination of that described in paragraphs "a" through "d" of this subrule.

13.4(5) Geographical location. Preference will be given to applicants residing in or near areas of the state where few other listed mediators reside.

13.4(6) Training. Prior to inclusion on the list, an applicant may complete the following training if the training is deemed necessary by the board:

- a. Formal training provided by the agency; and
- b. Mentorship in at least two disputes with an experienced, listed mediator. The board may require additional mentoring if deemed necessary.

13.4(7) Conflict of interest. Prior to inclusion on the list, all applicants must disclose potential conflicts of interest as described in subrule 13.6(1).

13.4(8) Exemption. Persons on the agency's professional staff and mediators employed by FMCS shall not be required to submit an application for listing and shall be deemed as meeting all criteria set forth in subrules 13.4(3) through 13.4(6) throughout the duration of their employment with the agency or FMCS.

13.4(9) Grandfather clause. Any person listed prior to November 5, 2014, shall be deemed as meeting all criteria set forth in subrules 13.4(3), 13.4(4) and 13.4(6).

[ARC 1642C, IAB 10/1/14, effective 11/5/14; ARC 7011C, IAB 5/3/23, effective 6/7/23]

621—13.5(20) Independent contractor agreement. An ad hoc mediator must enter into an independent contractor agreement with the agency prior to receiving mediation assignments. The independent contractor agreement between the ad hoc mediator and the agency shall establish the hourly rate, reimbursable fees and expenses, duration, and other terms and conditions.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—13.6(20) Conflict of interest.

13.6(1) Conflict of interest. The board shall determine whether a person has a conflict of interest which may require denial of an application or removal from the list or from individual assignments. A conflict of interest arises where:

- a. A mediator is or has been an employee or advocate for a party to the mediation within the prior two years; or
- b. A mediator's immediate family member, or any other person with whom the mediator has close, personal ties, is an interested party in the outcome of the mediation; or

c. Any other matter that may create an appearance of bias, lack of impartiality, or interest in the proceedings to which the mediator may be or has been assigned.

13.6(2) *Duty to disclose.* A person applying for inclusion on the list or a person included on the list has a continuing duty to disclose to the board in writing any potential or actual conflicts of interest as described in subrule 13.6(1).

13.6(3) *Disclosure.* The board may require a mediator to disclose certain matters to the parties of a mediation prior to its commencement. If either party objects to proceeding to mediation with that mediator, the board may assign a different mediator.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—13.7(20) Confidentiality.

13.7(1) *Exemption from open meetings law.* In accordance with Iowa Code section 20.17(3), communications between the parties and the mediator during the course of a mediation shall be exempt from the provisions of Iowa Code chapter 21.

13.7(2) *Mediator privilege.* In accordance with Iowa Code section 20.31(2), a mediator shall not testify in judicial, administrative, arbitration, or grievance proceedings regarding any matters occurring in the course of a mediation, including any verbal or written communication or behavior, other than facts relating exclusively to the timing or scheduling of mediation. A mediator shall not produce or disclose any documents, including notes, memoranda, or other work product, relating to mediation, other than documents relating exclusively to the timing or scheduling of mediation.

13.7(3) *Exception.* Subrule 13.7(2) shall not apply in any of the following circumstances:

a. The testimony, production, or disclosure is required by statute;

b. The testimony, production, or disclosure provides evidence of an ongoing or future criminal activity; or

c. The testimony, production, or disclosure provides evidence of child abuse as defined in Iowa Code section 232.68(2).

[ARC 1642C, IAB 10/1/14, effective 11/5/14; ARC 3803C, IAB 5/9/18, effective 6/13/18]

621—13.8(20) Complaints. Any affected person or party shall direct a complaint against a mediator who is on the list to the board. The board will consider the complaint and other relevant information and take such action it deems appropriate.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—13.9(20) Inactive status. A member of the list who continues to meet the criteria for inclusion on the list shall inform the agency if the member is unavailable for assignment on a temporary basis because of illness, vacation, schedule, or other reasons. That member will not receive assignments during the period in which the member is unavailable.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

These rules are intended to implement Iowa Code sections 20.1, 20.6 and 20.20.

[Filed ARC 1642C (Notice ARC 1570C, IAB 8/6/14), IAB 10/1/14, effective 11/5/14]

[Filed ARC 3803C (Notice ARC 3671C, IAB 3/14/18), IAB 5/9/18, effective 6/13/18]

[Filed ARC 7011C (Notice ARC 6912C, IAB 2/22/23), IAB 5/3/23, effective 6/7/23]

CHAPTER 14 ARBITRATORS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

621—14.1(20) Scope. This chapter applies to all arbitrators listed on the agency’s qualified-arbitrator roster and to all applicants for listing on the roster.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—14.2(20) Definitions.

“*Advocate*” means a person who represents employers, employee organizations, or individuals or entities in labor relations or employment relations matters, including but not limited to the subjects of union representation and recognition matters, negotiations, mediation, arbitration, unfair or prohibited labor practices, equal employment opportunity, and other areas generally recognized as constituting labor or employment relations. “Advocate” includes representatives of employers or employees in individual cases or controversies involving workers’ compensation, occupational health or safety, minimum wage, or other labor standards matters. “Advocate” also includes persons directly or indirectly associated with an advocate in a business or professional relationship as, for example, partners or employees of a law firm.

“*Arbitrator*” means a person serving as a neutral decision-maker in interest arbitrations or grievance arbitrations.

“*Grievance arbitration*” means the proceedings on an alleged contract violation as provided in a collective bargaining agreement entered into pursuant to Iowa Code chapter 20.

“*Grievance arbitrator*” means a person serving as a neutral decision-maker in a grievance arbitration.

“*Interest arbitration*” means the binding arbitration contemplated by Iowa Code section 20.22 or by an impasse agreement entered into pursuant to Iowa Code section 20.19.

“*Interest arbitrator*” means a person serving as a neutral decision-maker in an interest arbitration.

“*Qualified-arbitrator roster*” or “*roster*” means the agency-maintained list of arbitrators who have met the criteria set forth in this chapter.

[ARC 1642C, IAB 10/1/14, effective 11/5/14; ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—14.3(20) Roster and status of members.

14.3(1) *The roster.* The agency shall maintain a roster of arbitrators who meet the criteria for listing contained in rule 621—14.5(20) and who remain in good standing.

14.3(2) *Adherence to standards and requirements.* Persons listed on the roster shall comply with the agency’s administrative rules pertaining to arbitrators. Arbitrators shall conform to the ethical standards and procedures set forth in the current Code of Professional Responsibility for Arbitrators of Labor Management Disputes, as approved and published by the National Academy of Arbitrators, Federal Mediation and Conciliation Service, and the American Arbitration Association.

14.3(3) *Status of arbitrators.* Persons who are listed on the roster are not employees of the state of Iowa. A selected arbitrator’s contractual relationship is solely with the parties to the dispute.

14.3(4) *Roster listing fee.* An annual listing fee of \$150 for each roster member is established to maintain the roster. Roster members shall remit payment to the agency by November 1 each year. This fee shall be considered a repayment receipt as defined in Iowa Code section 8.2.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—14.4(20) Fees of arbitrators. Qualified arbitrators selected from the roster may be compensated by a sum not to exceed \$1,200 per day of service, plus their necessary expenses incurred.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—14.5(20) Arbitrator roster.

14.5(1) *Categories of arbitrators.* The roster shall consist of two categories of arbitrators:

a. Interest arbitrators; and

b. Grievance arbitrators.

Persons may be listed on the roster in each category in which they meet the criteria.

14.5(2) *Initial application procedures.* Persons seeking to be listed on the roster in one or more categories must complete and submit an application to the board. Applicants shall submit at least one reference from management, one reference from labor, and applicable writing samples. The board will review the application under the criteria, as set forth in subrules 14.5(3), 14.5(4), 14.5(5), and 14.5(6), and shall make a final decision concerning whether an applicant will be listed on the roster and under which category or categories the applicant qualifies. Each applicant shall be notified in writing of the board's decision.

14.5(3) *Knowledge and abilities.* Applicants must establish requisite knowledge and abilities as follows:

a. For listing on the roster as an interest arbitrator:

- (1) Good verbal and written communication skills;
- (2) The ability and willingness to travel throughout Iowa and to work prolonged and unusual hours;
- (3) Knowledge of Iowa Code chapter 20, the agency's rules, and principles and practices of contracts, public finance, and labor relations; and
- (4) The ability to conduct evidentiary hearings in a fair and impartial manner, develop an accurate record, and prepare and issue clear, reasoned and timely awards. For purposes of this subparagraph, "timely" means within 15 days after the interest arbitration hearing pursuant to Iowa Code section 20.22(10) "a" or in a time frame established by an impasse agreement entered into pursuant to Iowa Code section 20.19.

b. For listing on the roster as a grievance arbitrator:

- (1) Good verbal and written communication skills;
- (2) The ability and willingness to travel throughout Iowa and to work prolonged and unusual hours;
- (3) Knowledge of arbitral principles and practices, contracts, and labor relations; and
- (4) The ability to conduct evidentiary hearings in a fair and impartial manner, develop an accurate record, and prepare and issue clear, reasoned and timely awards. For purposes of this subparagraph, "timely" means within the time frame established by the parties' collective bargaining agreement entered into pursuant to Iowa Code chapter 20.

14.5(4) *Experience.* Applicants must demonstrate requisite experience in labor relations or arbitration in the category in which the applicant seeks listing on the roster in one of the following ways:

a. For listing on the roster as an interest arbitrator:

- (1) Issuance of at least four fact-finding or interest arbitration decisions or a combination thereof;
- (2) At least three years' experience as a mediator in collective bargaining interest disputes, with training and experience in conducting hearings and issuing reasoned awards; or
- (3) At least five years' experience in labor relations or labor law, with training and experience in conducting hearings and issuing reasoned awards.

b. For listing on the roster as a grievance arbitrator:

- (1) Issuance of at least four grievance awards; or
- (2) At least five years' experience in labor relations or labor law, with training and experience in conducting hearings and issuing reasoned awards.

14.5(5) *Conflict of interest.* Prior to inclusion on the roster, all applicants must disclose potential conflicts of interest as described in subrule 14.8(1).

14.5(6) *Training.* Prior to inclusion on the roster as an interest arbitrator, applicants may complete formal training provided by the agency if the training is deemed necessary by the board.

14.5(7) Exemption. Applicants who qualify for and complete the agency's interest arbitrator mentorship program, as outlined in rule 621—14.6(20), shall be exempt from the criteria set forth in subparagraph 14.5(4)“a”(1) and subrule 14.5(6).

14.5(8) Duration of listing. Listing on the roster shall be for a term of three years, renewable by payment of a fee of \$100.

14.5(9) Renewal application.

a. The board shall notify a roster member not less than 120 days before the expiration of the member's three-year term of the procedures necessary to continue inclusion on the roster.

b. A roster member desiring to renew the member's listing must submit a written application to the board not less than 60 days before the expiration of the member's three-year term.

c. When reviewing a renewal application, the board shall consider the following criteria, plus any other relevant information, in determining whether to renew the person's listing:

(1) Demonstration of the requisite knowledge and abilities as listed in subrule 14.5(3);

(2) Acceptability, which may be based on the agency's records that show the number of times the arbitrator's name has been proposed to the parties and the number of times the arbitrator has been selected. Such cases will be reviewed for extenuating circumstances, such as the arbitrator's length of time on the roster or prior history;

(3) Timeliness of decisions;

(4) Feedback from the parties; and

(5) Attendance at agency-sponsored events, including conferences and trainings.

d. Within 60 days of receipt of the completed application, the board shall issue and serve in accordance with 621—subrule 2.15(2) a written decision granting or denying the renewal application.

(1) If renewal is granted, the roster member shall remit payment of the annual listing fee in accordance with subrule 14.3(4).

(2) If renewal is denied, the renewal applicant may request reconsideration of the denial within 14 days of issuance of the denial. The board shall hold a hearing conducted in accordance with 621—Chapter 2 within 60 days of the request for reconsideration and shall issue its final ruling within 30 days of the hearing. Absent a timely request for reconsideration, the board's denial of the renewal application becomes final, and the arbitrator shall be removed from the roster.

14.5(10) Grandfather clause. Any arbitrator listed on the roster prior to November 5, 2014, shall be deemed to meet all criteria set forth in subrules 14.5(3), 14.5(4), and 14.5(6) for up to three years following November 5, 2014. For purposes of renewal, the agency shall divide arbitrators listed on the roster on November 5, 2014, into three groups with staggered renewal dates and will notify the members of each group when their renewal applications are due.

[ARC 1642C, IAB 10/1/14, effective 11/5/14; ARC 4457C, IAB 5/22/19, effective 6/26/19; ARC 7011C, IAB 5/3/23, effective 6/7/23]

621—14.6(20) Interest arbitrator mentorship program.

14.6(1) Goal. It is a goal of the board to increase the number of Iowa residents qualified to be on the roster. Such increase should provide constituents additional options for hiring arbitrators whose reimbursable expenses, such as for mileage and accommodations, are lower and who are more familiar with situations facing the parties. The board may suspend the interest arbitrator mentorship program at any time.

14.6(2) Application procedures. Persons seeking to participate in the program must complete and submit an application on a form prescribed by the board. The board will review the application and make a final decision whether an applicant qualifies for the program in accordance with subrule 14.6(3). Each applicant shall be notified in writing of the board's decision.

14.6(3) Qualifications. To be eligible to participate in the program, an applicant must meet the following qualifications:

- a. Be a resident of the state of Iowa at the time of application and throughout the duration of the mentorship program and maintain the residency for the first year of listing;
- b. Have at least five years of collective bargaining experience in the public or private sector as an advocate, mediator, or combination of both;
- c. Possess good verbal and written communication skills;
- d. Have the ability and willingness to travel throughout Iowa and to work prolonged and unusual hours; and
- e. Not have a conflict of interest as described in subrule 14.8(1).

14.6(4) The program.

a. The program shall consist of the following steps:

- (1) Formal training by the agency regarding Iowa Code chapter 20, the agency's administrative rules, and how to conduct hearings and write awards;
- (2) Shadowing an experienced arbitrator listed on the roster in at least two interest arbitrations; and
- (3) Submission of at least two mock interest arbitration awards that comply with statutory and regulatory requirements. The board may require additional mock awards if deemed necessary.

b. Successful completion of the program will result in the participant's inclusion on the roster as an interest arbitrator. Participants must satisfy the criteria for grievance arbitrators outlined in subrules 14.5(3) and 14.5(4) prior to inclusion on the roster under that category.

[ARC 1642C, IAB 10/1/14, effective 11/5/14; ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—14.7(20) Biography. Each roster member shall maintain a biography in a form prescribed by the board. The roster member is responsible for ensuring that the biography is accurate and current. The agency bears no responsibility for inaccurate, incomplete, or outdated information in biographies. The member's biography shall contain the following:

1. Name, address, telephone number, and email address;
2. Current and past employment, including the member's representative client base if not readily identifiable;
3. Education history;
4. Per diem rate and other applicable charges or fees;
5. Relevant experience, including but not limited to listing on other arbitrator rosters or memberships/associations; and
6. Potential or actual conflicts of interest as described in subrule 14.8(1).

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—14.8(20) Conflict of interest.

14.8(1) Conflict of interest. The board shall determine whether a person has a conflict of interest which may require denial of an initial or renewal application or removal from the roster or from individual selections. A conflict of interest arises where:

- a. An arbitrator is or has been an employee or advocate for a party to the arbitration within the prior two years;
- b. An arbitrator's immediate family member, or any other person with whom the arbitrator has close, personal ties, is an interested party in the outcome of the arbitration; or
- c. Any other matter that may create an appearance of bias, lack of impartiality, or interest in the proceedings to which the arbitrator may be or has been selected.

14.8(2) Duty to disclose. A person applying for inclusion on the roster or a person listed on the roster has a continuing duty to disclose to the board in writing any potential or actual conflicts of interest as described in subrule 14.8(1).

14.8(3) Disclosure. The board may require an arbitrator to disclose certain matters to the parties of an arbitration prior to its commencement. If either party objects to proceeding to arbitration with that arbitrator, the board may require the parties to make an alternate selection.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—14.9(20) Procedures for discipline and removal.

14.9(1) Grounds. Probation, suspension, or removal from the roster may be based upon one or a combination of any of the following, including but not limited to:

- a. Failure to comply with statutory provisions, the agency’s administrative rules, and agency guidelines and policies;
- b. Delinquency in submitting awards;
- c. Existence of a conflict of interest as described in subrule 14.8(1) that requires exclusion from the roster;
- d. Failure to disclose to the board or the parties any conflict of interest as described in subrule 14.8(1);
- e. Failure to demonstrate the requisite knowledge and abilities listed in subrule 14.5(3);
- f. Any other reason for which the board deems discipline or removal to be in the best interest of the agency, its constituents, or the public at large.

14.9(2) Automatic removal. Any roster member who fails to pay the annual listing fee pursuant to subrule 14.3(4) shall be removed from the roster, absent good cause shown for why removal is inappropriate. Any member who fails to submit a renewal application pursuant to paragraph 14.5(9) “b” shall be removed from the roster 30 days after the expiration of the member’s term, absent good cause shown for why removal is inappropriate.

14.9(3) Filing of a complaint.

a. Any affected person or party may file with the board a complaint against an arbitrator listed on the roster. The board may also file a complaint pursuant to this subrule. Such complaint shall be in writing and shall contain:

- (1) The name, address, telephone number, and email address of the complaining party;
- (2) The dispute(s) in which the complaining party has interacted with the arbitrator;
- (3) The specific allegations on which the complaint is based;
- (4) The requested discipline;
- (5) The signature of the complaining party; and
- (6) The date on which the complaint was prepared.

b. The board shall serve on the arbitrator written notice of the complaint within 14 days of receipt of the complaint and in accordance with rule 621—2.15(20).

14.9(4) Preliminary investigation. Upon receipt of a complaint from an affected person or party, the board shall conduct a preliminary investigation into the allegations. In conducting the investigation, the board may require the production of evidence, including affidavits and documents. If the investigation reveals the complaint has no basis in fact or if the complaint is informally resolved with the approval of the board, the complaint shall be dismissed and the parties notified in accordance with rule 621—2.15(20).

14.9(5) Procedures. If the complaint is not dismissed following the preliminary investigation, the board shall schedule the complaint for hearing and notify the parties in accordance with rule 621—2.2(20). The hearing shall be held within 60 days of the completion of the preliminary investigation or the filing of a board-initiated complaint. The hearing and all subsequent proceedings and filings shall be in accordance with 621—Chapter 2.

14.9(6) Timely resolution of complaints. Complaints filed with the board shall be resolved within 180 days unless good cause is shown for an extension. The board will notify the parties prior to taking action to extend this time limitation upon its own motion.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

621—14.10(20) Inactive status. A roster member who continues to meet the criteria for listing on the roster shall inform the agency if the member is unavailable for selection on a temporary basis because

of illness, vacation, schedule, or other reasons. That member's name will not be included on a list of arbitrators sent to parties during the period in which the member is unavailable.

[ARC 1642C, IAB 10/1/14, effective 11/5/14]

These rules are intended to implement Iowa Code sections 20.1, 20.6, and 20.22.

[Filed ARC 1642C (Notice ARC 1570C, IAB 8/6/14), IAB 10/1/14, effective 11/5/14]

[Filed ARC 4457C (Notice ARC 4365C, IAB 3/27/19), IAB 5/22/19, effective 6/26/19]

[Filed ARC 7011C (Notice ARC 6912C, IAB 2/22/23), IAB 5/3/23, effective 6/7/23]

CHAPTER 14

IMPASSE PROCEDURES

486—14.1(20) Definitions. For purposes of this chapter, the following definitions apply:

“*Arbitration*” is defined in Iowa Code section 20.3(1).

“*Grievance arbitration*” means proceedings on an alleged contract violation as provided in a collective bargaining agreement entered into pursuant to Iowa Code chapter 20.

“*Impasse*” is defined in Iowa Code section 20.3(6).

“*Interest arbitration*” means the binding arbitration contemplated by Iowa Code section 20.22 or by an impasse agreement entered into pursuant to Iowa Code section 20.19.

“*Mediation*” is defined in Iowa Code section 20.3(7).

486—14.2(20) General. Nothing in this chapter prohibits the parties from entering into their own impasse agreement or from proceeding directly to binding arbitration at any time after impasse.

486—14.3(20) Mediation.

14.3(1) Request for mediation. Either party to an impasse may request that the appeal board assign a mediator by requesting mediation services. Forms to request mediation are available on the appeal board’s website. Parties requesting mediation must email the completed form to the appeal board. The requesting party must also email or mail a copy of the request to the other parties involved in negotiations.

14.3(2) Appointment of mediator. Upon receipt of a request for mediation, the appeal board may appoint an impartial and disinterested person as mediator of the dispute and notify all parties of the appointment of the mediator. The appeal board will determine the effective date of this appointment. The appeal board has the sole discretion to make and modify mediation assignments, except those which are created by private agreement of the parties.

14.3(3) Confidential nature of mediation. Any information obtained by the mediator in the performance of mediation duties is subject to the privilege described in Iowa Code section 20.31.

14.3(4) *Mediation proceedings.* The mediator may hold separate or joint meetings with the parties or their representatives, and those meetings shall not be public. Mediation meetings will be conducted at a time and place designated by the mediator.

14.3(5) *Board mediator.* When the mediator is an employee of the State of Iowa, that mediator will not participate in any contested case arising out of any transaction or occurrence relating to those mediation activities.

14.3(6) *Costs of mediation.* When the appeal board appoints a State of Iowa or Federal government employee as mediator, the parties will not incur the costs of mediation. The appeal board has the right to limit the scope of the mediation and the amount of time the mediator is available to the parties. The parties may waive mediation or hire a private mediator at their own cost.

486—14.4(20) List and status of mediators.

14.4(1) *The list.* The appeal board will maintain a list of mediators who meet the appeal board's qualifications. Placement on the list shall be at the sole discretion of the board.

14.4(2) *Adherence to standards and requirements.* Mediators must comply with the appeal board's administrative rules pertaining to mediation. Mediators must conform to generally accepted professional ethical standards and procedures.

14.4(3) *Minimum qualifications for mediators.* Mediators must establish requisite knowledge and abilities as follows:

- a.* Good verbal and written communication skills;
- b.* The ability and willingness to use technology that allows the mediator to participate remotely;
- c.* Knowledge of Iowa Code chapter 20, the appeal board's administrative rules, and principles and practices of contracts, public finance, and labor relations; and
- d.* The ability and willingness to conduct a mediation in a fair and impartial manner.

14.4(4) Complaints. Any affected person may submit a complaint to the appeal board regarding a mediator who was appointed by the board. The board will consider the complaint and other relevant information and take such action it deems appropriate.

486—14.5(20) Binding arbitration.

14.5(1) Request for arbitration. Either party may request arbitration subject to the conditions in Iowa Code section 20.22(1). The parties may also request grievance arbitration.

14.5(2) Form and contents of request. Forms to request arbitration are available on the appeal board's website. The request for arbitration must be emailed to the appeal board and include the name, address, email address, and signature of the requesting party and the capacity in which the requesting party is acting.

14.5(3) Service of request. The requesting party must mail or email a copy of the request for arbitration to the opposing party.

14.5(4) Exchange of final offers. Within four days of the appeal board's receipt of the request for arbitration, each party shall mail or email its final offer on each of the impasse items to the other party to the impasse. Final offers cannot be amended. A party cannot submit a final offer for arbitration which has not been offered to the other party in the course of negotiations.

14.5(5) Selection of arbitrator. Upon the filing of a timely request for arbitration, the appeal board will email a list of five arbitrators to the parties. Within five days from when that email is sent, the parties must select their arbitrator from the list in the manner specified in Iowa Code section 20.22(4).

14.5(6) Date and conduct of hearings.

a. Impasse items are deemed submitted to binding arbitration on the date of the commencement of the arbitration hearing, regardless of its duration. In disputes where the public employer is a community college, or any portion of the public employees in the bargaining unit are teachers licensed under Iowa Code chapter 272 and the public employer is a school district or area education agency, the submission of impasse items to binding arbitration shall occur not later than May 13 of the year when the resulting collective bargaining agreement is to become effective.

b. Arbitration hearings must be open to the public and recorded either by mechanized means or by a certified shorthand reporter.

c. The arbitration hearing will be limited to those factors listed in Iowa Code section 20.22 and such other relevant factors as may enable the arbitrator to select the most reasonable offer, in the arbitrator's judgment, of the final offers submitted by the parties on each impasse item. Arbitrators appointed pursuant to impasse procedures agreed upon by the parties shall likewise consider these same factors.

14.5(7) *Arbitration involving a bargaining unit that has at least 30 percent of members who are public safety employees.* The arbitrator must consider and address factors in compliance with Iowa Code section 20.22(7).

14.5(8) *Arbitration involving a bargaining unit that does not have at least 30 percent of members who are public safety employees.*

a. The arbitrator must consider and address factors in compliance with Iowa Code sections 20.22(8) and (9).

c. The arbitrator's award on the impasse item of base wages is limited as set forth in Iowa Code section 20.22(10)(b)(1).

14.5(9) *Continued bargaining.* The parties may continue to bargain on the impasse items the arbitrator may consider until the arbitrator's selections are made. Should the parties reach agreement on an impasse item following its submission to arbitration, they shall immediately report their agreement to the arbitrator. The agreed upon term will be incorporated into the parties' collective bargaining agreement, and the arbitrator may no longer consider the final offers of the parties on that impasse item.

14.5(10) *Report of the arbitrator.* With respect to each impasse item, the arbitrator's award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitrator, except as provided in paragraph 14.5(8) "c." Within 15 days after the arbitration hearing the arbitration shall (a) issue a written award specifying and explaining the arbitrator's selection, and (b) send by email, or by ordinary mail, a copy of the award to each party and to the appeal board.

14.5(11) Dismissal of arbitrator. In the event of a failure of the arbitrator to issue an award within 15 days after the arbitration hearing, the arbitrator shall notify the appeal board and the parties of this failure. Either party may thereafter request a new arbitrator. Unless the parties agree otherwise, the procedures in this rule shall apply; provided, however, that the parties may submit new final offers. An arbitrator may not issue a partial award except by mutual consent of the parties.

14.5(12) Costs of arbitration. The arbitrator shall submit to the parties a written statement of fees and expenses with a copy sent to the board. The parties shall share the costs of arbitration equally. Qualified arbitrators selected from the roster may be compensated by a sum not to exceed \$1,800 per day of service, plus their necessary expenses incurred.

486—14.6(20) List and status of arbitrators.

14.6(1) The list. The appeal board will maintain a list of arbitrators who meet the appeal board's qualifications. A person may be placed on the list only if they first file an application. Placement on the list is at the sole discretion of the appeal board.

14.6(2) Initial application procedures. Persons seeking to be on the arbitrator list must submit an application to the appeal board. Applicants must submit at least one reference from management, one reference from labor, and applicable writing samples. The appeal board will review the application under the criteria, as set forth in subrules 14.6(3) and (4), and will make a final decision concerning whether an applicant will be included on the list. Each applicant shall be notified in writing of the appeal board's decision. The applicant should identify whether they are available to conduct interest arbitrations, grievance arbitrations, or both.

14.6(3) Knowledge and abilities. Applicants must establish requisite knowledge and abilities as follows:

- a. Good verbal and written communication skills;
- b. The ability and willingness to travel throughout Iowa or use technology that allows for remote hearings;
- c. Knowledge of Iowa Code chapter 20, the appeal board's administrative rules, and principles and practices of contracts, public finance, and labor relations; and

d. The ability to conduct evidentiary hearings in a fair and impartial manner, develop an accurate record, and prepare and issue clear, reasoned and timely awards.

14.6(4) Experience. Applicants must demonstrate requisite experience in labor relations or arbitration in one of the following ways:

a. Issuance of at least four arbitration decisions;

b. At least three years' experience as a mediator in collective bargaining interest disputes, with training and experience in conducting hearings and issuing reasoned awards; or

c. At least five years' experience in labor relations or labor law, with training and experience in conducting hearings and issuing reasoned awards.

14.6(5) Adherence to standards and requirements. Arbitrators on the list must comply with the appeal board's administrative rules pertaining to arbitrators. Arbitrators shall conform to generally accepted professional ethical standards and procedures.

14.6(6) Status of arbitrators. Persons who are listed on the roster are not employees of the state of Iowa. A selected arbitrator's contractual relationship is solely with the parties to the dispute.

14.6(7) Application fee. The appeal board charges an application fee of \$50 for each applicant. This fee shall be considered a repayment receipt as defined in Iowa Code section 8.2.

486—14.6(8) Biography. Each arbitrator shall maintain a biography on the appeal board's website. The arbitrator is responsible for ensuring that the biography is accurate and current. The appeal board bears no responsibility for inaccurate, incomplete, or outdated information in biographies. The arbitrator's biography should contain the following:

a. Name, address, telephone number, and email address;

b. Current and past employment, including the arbitrator's representative client base if not readily identifiable;

c. Education history;

d. Per diem rate and other applicable charges or fees;

e. Relevant experience, including but not limited to listing on other arbitrator rosters or memberships/associations; and

f. Potential or actual conflicts of interest.

14.6(9) *Complaints.* Any affected person may submit a complaint to the appeal board regarding an arbitrator who is on the list. The appeal board will consider the complaint and other relevant information and take such action it deems appropriate.

486—14.7(20) Impasse procedures after completion deadline.

14.7(1) *Objections.* Any objection by a party to mediation or the conduct of arbitration proceedings which will not be completed by the applicable deadline for completion of impasse procedures must be electronically filed with the appeal board in accordance with 486—Chapter 18. The objection must be filed in the bargaining unit case number no later than 10 days after service of the request to mediation or arbitration with the appeal board. The appeal board will follow the expedited procedure outlined in subrule 486—13.3 in ruling on objections. Filing of an objection before the applicable deadline for completion of impasse procedures does not affect the obligation of each party to continue the impasse procedures.

14.7(2) *Deferred board action.* Further, the board may postpone ruling on the objection if it determines that mediation may take place or that an arbitration award may be rendered by the applicable deadline. In making that determination, the appeal board will attempt to expedite any remaining impasse proceedings. In no event will a party be required to comply with a mandatory statutory deadline sooner than the date set by the statute.

486—14.8(20) Impasse procedures for state employees.

14.8(1) *Procedures.* Impasse procedures must provide that the impasse be submitted to binding arbitration and the arbitration hearing concluded no later than February 28, and that any arbitrator's award be issued on or before March 15. This rule does not preclude the parties from mutually agreeing to a date other than February 28, but the agreement must result in an arbitration award on or before March 15.

14.8(2) *Procedures for state agreements effective in a year following an Iowa Code section 39.9 gubernatorial election.*

a. A ratification election referred to in Iowa Code section 20.17(4) may not be held and the parties may not request arbitration pursuant to Iowa Code section 20.22(1) until at least two weeks after the beginning date of the governor's term of office.

b. Within five days from the beginning date of the governor's term of office, the governor shall accept or reject a proposed statewide collective bargaining agreement if one exists. If the proposed agreement is rejected, the parties shall commence bargaining anew in accordance with Iowa Code section 20.17 and exchange initial proposals within the same five-day period.

c. Negotiations must be complete not later than March 15 of that year unless the parties mutually agree to a different deadline.

d. The parties shall mutually agree to alternative deadlines for the completion of bargaining procedures set forth in Iowa Code sections 20.19, 20.20, and 20.22 to ensure the completion of negotiations not later than March 15 or other mutually agreeable deadline.

14.8(3) *Independent procedures.* Independent impasse procedures negotiated by the parties must provide that the impasse will be submitted to binding arbitration, and any hearing thereon concluded no later than February 28, and that any arbitrator's award will be issued on or before March 15.

14.8(4) *Statutory procedures.* In the absence of independent procedures, the procedures in Iowa Code sections 20.20 and 20.22 and this chapter apply, except that a single-party request for mediation must be filed no later than December 14, a request for binding arbitration must be filed by February 1, and an arbitration hearing must be concluded no later than February 28.

14.8(5) *New certifications.* Statutory impasse procedures under these rules are not available if the employee organization is certified later than December 1. This rule does not preclude the parties from negotiating independent impasse procedures if an employee organization is certified later than December 1 so long as procedures will result in an arbitration award on or before March 15.

14.8(6) *Negotiability disputes.* Disputes concerning the negotiability of any subject of bargaining shall be submitted to the board for determination pursuant to subrule 486—13.3 no later than March 1. An arbitration award rendered prior to final determination of the negotiability dispute will be made

conditional upon such determination. The appeal board will not grant a stay of impasse procedures during the pendency of any negotiability dispute, petition for declaratory order, or prohibited practice complaint.

These rules are intended to implement Iowa Code chapter 20.