

BEFORE THE IOWA PUBLIC EMPLOYMENT RELATIONS BOARD

BURLINGTON EDUCATION)	
ASSOCIATION,)	
)	
Complainant,)	Case No. _____
)	
v.)	
)	PROHIBITED PRACTICE COMPLAINT
BURLINGTON COMMUNITY)	
SCHOOL DISTRICT,)	
)	
Respondent.)	

COMES NOW the Complainant, the Burlington Education Association, by and through its attorney Gerald L. Hammond, and for its Prohibited Practice Complaint states to the Public Employment Relations Board as follows:

1. That the Complainant, the Burlington Education Association (hereinafter Association), is a public employee organization defined by Section 20.3(4) of the Iowa Code.
2. That the Respondent, the Burlington Community School District (hereinafter District), is a public employer within the meaning of Section 20.3(10) of the Iowa Code.
3. That the Association and the District are currently parties to a collective bargaining agreement negotiated under Chapter 20 of the Iowa Code covering terms and conditions of employment for professional employees for the 2016-17 school year.
4. That the Association and the District are currently engaged in bargaining a collective bargaining agreement for the 2017-18 academic year.
5. On or about January 16, 2017 the Director of Human Resources for the Burlington Community School District, Jeremy Tabor, sent a survey to all staff of the Burlington

Community School District in which he indicated he was soliciting “ideas and suggestions” for cutting expenses in order to meet the District’s 2017-18 budget.

6. That specifically included in the staff to which the surveys were mailed were all professional employees of the District within the collective bargaining unit represented by the Association.

7. That within the survey the following four questions were asked:

- a. If the District does not work towards offering a lower cost health care plan, we could be subject to paying a “Cadillac tax” under the Affordable Health Care Plan. Should the District offer a lower cost option to avoid paying this tax?
- b. Would you be interested in enrolling in the District’s health insurance plan if the cost were lower?
- c. Would you consider taking a pay freeze if it meant saving jobs and meeting the budget?
- d. Would you consider taking a lower than normal pay increase if it meant saving jobs and meeting the budget?

8. That questions a and b in the immediately preceding paragraph seek input from staff on the mandatory subject of “insurance” as contained in Section 20.9 of the Iowa Code.

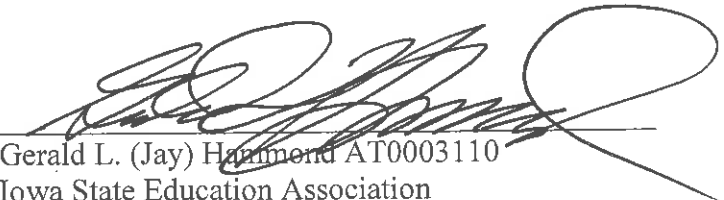
9. That questions c and d contained in paragraph 7 of this Petition seek input from staff on “wages” a mandatory subject of bargaining under Section 20.9 of the Iowa Code.

10. That seeking input directly from employees represented by a collective bargaining representative under Chapter 20 of the Iowa Code constitutes individual bargaining, an end-running of the collective bargaining representative, and a refusal to negotiate in good faith, all of

which constitute prohibited practices in violation of Sections 20.10(1), 20.10(2)(a), 20.10(2)(e), and 20.10(2)(f) of the Iowa Code.

WHEREFORE, the Association respectfully requests that the Public Employment Relations Board set a time and date for a hearing, allow the parties to present evidence, make arguments and file briefs, and to thereafter determine that the actions of the District constituting attempts to individually bargain and end-run the collective bargaining representative of the professional employees represented by the Burlington Education Association constitute violations of Sections 20.10(1), 20.10(2)(a), 20.10(2)(e), and 20.10(2)(f) of the Iowa Code; issue an immediate cease and desist order; order any answers provided by bargaining unit employees to the questions at issue be deleted from any records of the Burlington Community School District, and to provide any further relief the Public Employment Relations Board deems necessary and proper.

Respectfully submitted,



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