

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

SCOTT COUNTY,
Public Employer,

and

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 204,
Petitioner/Certified Employee
Organization.

CASE NO. 102131

DECISION AND ORDER

On November 28, 2017, the International Brotherhood of Electrical Workers (IBEW), Local 204, filed a petition for determination of public safety unit status with the Public Employment Relations Board (PERB or Board) pursuant to PERB subrule 621—6.4(6). The petition seeks PERB’s determination whether a bargaining unit consisting of full and part-time bailiffs in Scott County is a public safety unit within the meaning of PERB subrule 621—6.4(3). IBEW asserts the bailiffs are employed as “sheriff’s regular deputies” and thus are “public safety employees” within the meaning of Iowa Code section 20.3(11). The County argues the bailiffs are not public safety employees and disputes the unit’s public safety status.

Pursuant to notice, an evidentiary hearing was held before the Board on January 4, 2018. Petitioner IBEW Local 204 was represented by Nathan Willems. Scott County was represented by Aaron Hilligas and James Hanks.

Both parties filed post-hearing briefs, which were received on January 19, 2018.

Based upon the record before us and the parties' arguments, the Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

Scott County is a public employer within the meaning of Iowa Code section 20.3(10).¹ IBEW Local 204 is an employee organization within the meaning of Iowa Code section 20.3(4) and is certified to represent the following bargaining unit of Scott County employees:

INCLUDED:	Full and part-time Bailiffs scheduled to work more than 520 hours annually.
EXCLUDED:	Bailiff Sergeant and all others excluded by Iowa Code section 20.4.

The bailiff unit was initially organized in January 2011 by the Scott County Bailiffs' Association. The Bailiffs' Association was subsequently decertified. In March 2015, the IBEW was certified as the unit's representative and has retained its certification since that time.

Five other bargaining units are organized in Scott County, including a unit represented by the Scott County Sheriff's Association that consists of the following employees:

INCLUDED:	All Deputy Sheriffs and Sergeants holding Civil Service rights regularly employed by Scott County.
EXCLUDED:	Sheriff, Chief Deputy, all Captains, all Lieutenants, and all others excluded by Section 4 of the Act.

¹ All references are to Iowa Code (2017) as amended by 2017 Iowa Acts, House File 291.

The sheriff's deputies bargaining unit has been organized since November 1977 and represented by the Scott County Sheriff's Association since that time. The unit's original composition has remained unchanged with the exception of a unit amendment in March 1979 that moved "sergeants" into the included category. The certified representatives for the bailiffs unit and the deputies unit negotiate separate collective bargaining agreements with the County.

The Scott County Sheriff's office employs regular deputies and bailiffs. The County also has reserve deputies who serve on a volunteer basis. The hiring process for the regular deputies and bailiffs differs in many respects.

When the Sheriff's office has a vacancy for a regular deputy, the hiring process is subject to the Civil Service rules and requirements. The applicants take a physical agility test and a written test known as the Police Officer Selection Test (POST), both of which are administered by the Civil Service. Based solely on the applicants' performance on these tests, the Civil Service certifies to the Sheriff a list of applicants who successfully met the Civil Service test requirements and are eligible for hire.

From the list of certified applicants, the County selects candidates to interview. Candidates also take the Minnesota Multiphasic Personality Inventory (MMPI), a polygraph test, and provide documentation from their physician that they are mentally and physically able to perform the functions of the job. Following interviews and the completion of these tests, the County decides which candidate to hire from the list of applicants certified by the Civil Service. Upon hire, the regular deputies are sworn in as peace officers by the

Sheriff, granting them arrest powers at that time. The regular deputies are then required to attend and graduate from a 13-week training program at the Iowa Law Enforcement Academy (ILEA) within one year of hire. Upon graduation from the ILEA, the regular deputies become certified peace officers. To remain eligible for employment, regular deputies cannot be over the age of sixty-five.

The hiring process for bailiffs is not subject to the Civil Service appointment process or testing requirements. When there is a vacancy for a bailiff position, the applications received by the County's Human Resources department are given to the bailiffs' supervisor to review and choose "good quality candidates" to interview. Applicants are subject to background checks and given a polygraph test. Evidence in the record indicates the last three bailiff hires also took the MMPI as part of the hiring process. Following interviews and the completion of these tests, the County chooses which applicant to hire. A conflict exists in the record whether bailiffs take an oath of office prior to assuming their bailiff duties. It is, however, undisputed that bailiffs are not granted arrest powers. Unlike regular deputies, bailiffs are not required to attend the ILEA training program, are not certified by the ILEA, and have no upper age limit to remain employment eligible as a bailiff.

The continuing education and training requirements for regular deputies and bailiffs are also different. The regular deputies have continuing ILEA requirements to remain certified as peace officers. The ILEA dictates the number of hours that must be completed annually in specific categories as well as electives.

Although not required by the ILEA, the Sheriff requires the bailiffs to attend certain trainings to prepare them for responding to incidents at the courthouse or administrative center as the bailiffs are the first line of defense at those locations. Some of these trainings are alongside regular deputies. The bailiffs, however, only take trainings that pertain to their security functions at the courthouse. For example, specialized training such as accident investigator, are not available to bailiffs because it does not pertain to their job. Bailiffs train in hand-to-hand combat, TASER training and must recertify in administering CPR and AED.

Both bailiffs and regular deputies must remain eligible to handle firearms by fulfilling the ILEA standard for carrying firearms. This requirement is the same for all county employees whose job requires them to carry a firearm.

The regular deputies and bailiffs perform different functions on a daily basis and these duties do not overlap with one another absent an emergency or other event that may call for collaboration between them, *e.g.* responding to a bomb threat at the courthouse that has both groups searching the courthouse.

The regular deputies can be assigned to three primary divisions – patrol, investigations, or civil process – and their daily duties and job functions largely depend upon their assigned division. The patrol division patrols the roads and responds to calls in unincorporated areas and select towns that are presumably without a local police force. The investigative division investigates

crime reports, requests from the county attorney, or other specialized investigations. The civil process division serves civil process papers.

The County employs 17 bailiffs who are assigned to the county courthouse or the county administrative center. The bailiffs' primary function is to provide security at the assigned location. One bailiff is assigned to the front desk of the administrative center and answers calls for assistance within that building. At the courthouse, bailiffs are assigned based on need, with at least two bailiffs stationed at the front entrance to monitor the x-ray machine and metal detectors, and others are assigned to escort and remain with inmates during court appearances, transport inmates to and from the courthouse, respond to calls for assistance, and conduct checks of the courthouse parking lots. Bailiffs are only able to arrest and take people into custody at the direction of a judge.

The bailiffs and deputies wear the same uniform issued by the Sheriff's department that bears the "Scott County Sheriff" badge. Each bailiff is assigned a badge number as are all regular deputies. As part of their uniform, bailiffs are required to wear a bulletproof vest, a body camera, handcuffs, an ASP baton, a gun and extra magazines, and a TASER. The bailiffs utilize a two-way radio to communicate with each other on a channel dedicated to the bailiffs with the dispatch center also listening to their radio traffic.

Following any incident, bailiffs are required to complete a written report detailing the incident. Bailiffs use the same incident reporting system as the

regular deputies. The system allows them to either do a field case report or an arrest report depending on the incident.

In terms of retirement benefits, bailiffs are in the regular membership class in contrast to the regular deputies who are in the sheriffs and deputy sheriffs membership class.

The Sheriff's office also has sworn reserve deputies who serve on a volunteer basis. To attain reserve deputy status, candidates must complete ILEA requirements for reserve peace officers, take the MMPI and a polygraph test. Upon the successful completion of these requirements, candidates are sworn in as reserve deputies by the Sheriff. The reserve deputies only assist the Sheriff's regular deputies as needed, such as during large events, weather-related emergencies, missing persons or traffic accidents. Reserve deputies have continuing ILEA requirements to maintain their reserve deputy status but the requirements are not to the same extent as those for regular deputies. About six or seven of the County bailiffs hold reserve deputy status. Bailiffs who hold reserve deputy status are able to serve arrest warrants, unlike the rest of the bailiffs who have no arrest authority unless specifically instructed by a judge to take a subject into custody.

The current collective bargaining agreement between the County and IBEW expires on June 30, 2018. In October 2017, in accordance with statutory changes to chapter 20, PERB conducted a retention and recertification election to determine whether a majority of employees in the bailiffs bargaining unit still support the IBEW as their exclusive bargaining representative. The majority of

employees voted in favor of retaining the IBEW and, on November 7, 2017, PERB issued an order recertifying the IBEW as the unit's continued representative.

Sometime after the order of recertification was issued, the parties discussed whether the bailiffs are public safety employees within the meaning of Iowa Code section 20.3(11). Ultimately, the County's Board of Supervisors decided the County would not recognize the bailiffs unit as a public safety unit. In response, the IBEW filed the instant petition on November 28, 2017 seeking PERB's determination on the unit's public safety status.

Along with its response to the petition indicating its position that bailiffs are not employed as sheriff's regular deputies, the County also sought to dismiss the IBEW's petition as untimely. The Board reserved ruling on the motion and that ruling is contained in the Conclusions of Law.

CONCLUSIONS OF LAW

With the passage of 2017 Iowa Acts, House File 291, enacted and effective on February 17, 2017, the Iowa Legislature amended chapter 20 of the Iowa Code. The amendments enacted by H.F. 291 effectively created two separate categories of public employees – those who are “public safety employees” and the rest who are not. Iowa Code section 20.3(11) defines a “public safety employee” as a public employee who is employed as one of the following:

- a.* A sheriff's regular deputy.

b. A marshal or police officer of a city, township, or special-purpose district or authority who is a member of a paid police department.

c. A member, except a non-peace officer member, of the division of state patrol, narcotics enforcement, who has been duly appointed by the department of public safety in accordance with section 80.15.

d. A conservation officer or park ranger as authorized by section 456A.13.

e. A permanent or full-time fire fighter of a city, township, or special-purpose district or authority who is subject to mandated law enforcement training.

f. A peace officer designated by the department of transportation under section 321.477 who is subject to mandated law enforcement training.

The Legislature further designated a “public safety unit” as a bargaining unit with at least thirty percent of “public safety employees.” The importance of a unit’s designation as either a “public safety unit” or not is that the designation dictates the scope of bargaining available to that unit of employees, with public safety units having a broader scope of bargaining than non-public-safety units. In response to H.F. 291, PERB promulgated a set of rules to guide the parties in making this public safety/non-public-safety status determination and created a procedure in the form of the instant public safety status determination proceeding for the parties to utilize when they are unable to agree on the unit’s public safety status.

Motion to Dismiss

The County’s motion to dismiss specifically relies upon PERB subrule 621—6.4(7), which provides the timelines for filing a public safety status determination petition:

6.4(7) *Deadlines*. The stipulation shall be submitted or a petition filed on or before the dates indicated:

a. July 1 for contracts that expire January 1 to March 31 of the subsequent year.

b. October 1 for contracts that expire April 1 to June 30 of the subsequent year.

c. January 1 for contracts that expire July 1 to September 30 of the same year.

d. April 1 for contracts that expire October 1 to December 31 of the same year.

As the collective bargaining agreement between the County and IBEW will expire on June 30, 2018, subrule 621—6.4(7)(b) applies, which directs that a petition must be filed by October 1, 2017. IBEW did not file the instant petition until November 28, 2017.

The central issue is the effect of IBEW's failure to comply with the specified deadline set forth in subrule 621— 6.4(7) which provides that a petition "shall" be filed by the respective deadline. The word "shall" in legal rules may indicate a mandatory or a directory duty. *Taylor v. Dep't of Transp.*, 260 N.W.2d 521 (Iowa 1977). Thus, our ruling turns on whether subrule 621—6.4(7) imposes a mandatory or a directory duty on the petitioner to file by the specified deadline. The County's motion asks the Board to interpret subrule 621—6.4(7) as a mandatory requirement, an interpretation that would result in the IBEW's petition being time-barred from PERB's determination on the unit's public safety status.

Upon our review of this rule and its purpose, we conclude the filing deadlines outlined in subrule 621—6.4(7) are directory and not mandatory.

The Iowa Supreme Court explained the mandatory-directory distinction in the following way:

Mandatory and directory statutes each impose duties. The difference between them lies in the consequence for failure to perform the duty. ... If the prescribed duty is essential to the main objective of the statute, the statute ordinarily is mandatory and a violation will invalidate subsequent proceedings under it. If the duty is not essential to accomplishing the principal purpose of the statute but is designed to assure order and promptness in the proceeding, the statute ordinarily is directory and a violation will not invalidate subsequent proceedings unless prejudice is shown.

Taylor, 260 N.W.2d at 522-23.

Legislative intent dictates whether a statute or rule is mandatory or directory. *Id.* at 522. If the mandatory-directory issue is not expressly resolved by the language, courts look to the purpose of the statute or rule to determine whether it is mandatory or directory. *Id.* “The mandatory-directory dichotomy does not refer to whether a statutory duty is obligatory or permissive but instead relates to whether the failure to perform an admitted duty will have the effect of invalidating the governmental action which the requirement affects.” *Id.* at 523.

If the statute or rule at issue states the consequence for failing to act by a set deadline, such language demonstrates an intent to make the deadline mandatory, not directory. *Iowa Supreme Court Attorney Disciplinary Bd. v. Attorney Doe No. 639*, 748 N.W.2d 208 (Iowa 2008). In *Attorney Doe No. 639*, the Iowa Supreme Court dismissed an application for permission to review a disposition of the Iowa Attorney Grievance Commission because it found the appeal deadline in the applicable rule was mandatory. *Id.* at 209-10.

Specifically, the rule stated that the Attorney Disciplinary Board had ten days from the date of the Commission's disposition to file the application for permission to review. Absent an application by the Disciplinary Board within ten days, the rule stated the Commission's disposition becomes final. Because the rule outlined the consequence for failing to file the application within the ten days specified in the rule, the Court found this language evidenced intent to have the 10-day requirement mandatory. PERB subrule 621—6.4(7) at issue here does not outline any consequence for failing to file a public safety determination petition by the set deadline. As such, unlike the rule in *Attorney Doe No. 639*, the language in PERB subrule 621—6.4(7) does not evidence intent to make the filing deadline mandatory. Since the issue of mandatory-directory is not expressly resolved by the language of the rule, we turn to the purpose of subrule 621—6.4(7).

In *Taylor*, the appellant sought a dismissal of a license revocation proceeding because the Iowa Department of Transportation failed to hold a hearing within 20 days as set out in the applicable statute. In finding the purpose of the statute was to keep dangerous drivers off the road, the Court held that construing the 20-day requirement as mandatory would undermine that legislative objective by providing a technical basis for avoiding license revocation. *Taylor*, 260 N.W.2d at 523-524.

The Court relied on the general rule that statutes or rules “fixing the time, form and mode of proceeding” are directory because they are not “the essence of the thing to be done.” *Id.* at 523. Instead, such provisions are

designed to provide order and promptness in proceedings by “direct[ing] the thing to be done at a particular time but do not prohibit it from being done later when the rights of interested persons are not injuriously affected by the delay.” *Id.* (internal citations omitted). While delays are unfortunate and not to be condoned, the Court found the main legislative goal of removing dangerous drivers off the road can still be attained when hearings are late. *Id.*

In the instant situation, the Legislature intended to differentiate the scope of collective bargaining for units that have at least thirty percent public safety employees from those that do not. The procedures for how and when that public safety determination is made were left unaddressed by the Legislature. PERB rule 621—6.4 provides a method for parties to get the public safety status disputes resolved by PERB. Subsection 7 of PERB rule 621—6.4 imposes a duty and a deadline for both the employer and employee organization to inform PERB of their position on the public safety status of any unit that has at least one public safety employee, whether that be an agreement reported in the form of a stipulation or a dispute reported in the form of a petition seeking PERB’s resolution on the matter.

The “essence of the thing to be done” under rule 621—6.4 is not for the petitioner to initiate a public safety determination petition with PERB by October 1, as applicable in this situation, but that the parties promptly utilize the proceeding outlined in the rule to resolve the public safety status issue and proceed with the bargaining process. Without a resolution on the public safety status dispute, the parties are not even able to exchange initial proposals

because their designation as a public safety or non-public-safety unit determines the subjects of bargaining that can be negotiated pursuant to chapter 20.

While it is unfortunate that parties might not always get these disputes to PERB by the set deadline and possibly shorten their time to bargain, the purpose of the rule can still be accomplished if PERB receives the petition after the applicable deadline in subrule 621—6.4(7). That is, PERB can still resolve the public safety status dispute, which allows the parties to bargain a subsequent contract utilizing the appropriate scope of bargaining as amended by H.F. 291.

Even though we find that the deadlines outlined in subrule 621—6.4(7) are directory, the importance of promptly filing these disputes with PERB should not be underestimated by the parties. H.F. 291 amended many parts of chapter 20, but an item that remains unchanged is the deadline for negotiating subsequent collective bargaining agreements. Employee organizations that represent County employees, such as IBEW in this instance, must conclude contract negotiations with the employer by March 15 absent an independent impasse agreement. This deadline remains intact. The filing deadlines outlined in subrule 621—6.4(7) are designed to have the parties promptly identify public safety status disputes, litigate the issue before PERB and have a determination on the unit's public safety status in time to negotiate a subsequent collective bargaining agreement. Parties that choose to delay the filing of the public safety determination petitions will ultimately shorten their time for contract

negotiations. If impasse procedures are pushed so close to the statutory completion deadline, there may also be situations that result in a failure to negotiate a subsequent contract for that unit of employees.

Although not necessary for our ruling on this motion to dismiss, but because this is the first public safety determination petition under the amended chapter 6 rules, we find it important to note that we are unpersuaded by the IBEW's argument that filing a public safety determination petition is superfluous until after the retention election is completed and the employee organization is recertified as the bargaining representative. The IBEW is, and was at the time, the representative certified by PERB to represent the bailiffs bargaining unit. A recertification election does not place an employee organization's chapter 20 duties on hold. The organization retains its chapter 20 certification unless and until PERB issues an order revoking or decertifying the organization as the exclusive bargaining representative.

Because we conclude the rule at issue is directory, the petitioner's failure to file the petition by October 1 does not bar the Board from making a determination on the merits unless prejudice is shown. *Taylor*, 260 N.W.2d at 523. The County has not articulated that any prejudice is suffered by the County as a result of PERB determining this public safety status issue at this time.

For the reasons articulated, we deny the County's motion to dismiss this petition and turn to the merits.

Public Safety Status Determination

The IBEW argues that bailiffs are effectively employed as sheriff's regular deputies who provide bailiff services and are thus public safety employees under Iowa Code section 20.3(11)(a). In support of its position, the IBEW references various statutory provisions that use the term "bailiff" to describe a type of law enforcement service that is provided by the county sheriffs. Those referenced provisions include:

331.653 General duties of the sheriff.

The sheriff shall:

...
4. Provide bailiff and other law enforcement service to the district judges, district associate judges, and associate juvenile judges, and judicial magistrates of the county upon request.

331.657 Standard uniforms.

1. The sheriff and the full-time deputy sheriffs shall wear the standard uniform and display a standard badge of office when on duty except:

...
b. A district court judge, district associate judge, or judicial magistrate may direct that deputy sheriffs who act as bailiffs dress in wearing apparel other than the standard uniform while the court is in session.

602.1303 Local funding.

4. A county shall provide the district court with bailiff and other law enforcement services upon the request of a judicial officer of the district court.

The IBEW argues these statutory provisions demonstrate the Legislature did not intend to exclude bailiffs from the 20.3(11) definition because Iowa law does not treat the term "bailiff" as a separate job, but rather as a duty performed by sheriff's regular deputies. Thus, IBEW asserts the Legislature understood bailiffs to be encompassed within the "sheriff's regular deputy"

paragraph of the public safety employee definition. We are not persuaded by IBEW's arguments and conclude the Scott County bailiffs are not employed as sheriff's regular deputies.

In reviewing the cited provisions and considering the IBEW's arguments, it is clear that county sheriffs have a statutory obligation to provide bailiff services in courthouses. As far as the IBEW's argument regarding legislative intent, we can certainly agree the Legislature did not intend to exclude sheriff's regular deputies who work as bailiffs from the Iowa Code section 20.3(11) definition. But even with these agreements, we are still unable to find that the Scott County bailiffs are employed as sheriff's regular deputies.

As an initial matter, we are unable to find any support for the proposition that bailiff services must be provided by regular deputies. Although the IBEW points to several other counties that use regular deputies for providing bailiff services, it is not a statutory requirement. Additionally, the pertinent inquiry here is whether the Scott County Sheriff employs regular deputies to provide bailiff services; that is, whether the Scott County bailiffs are in fact regular deputies.

The main reason we conclude the Scott County bailiffs are not regular deputies is because they do not have the same hiring process, training requirements, arrest powers or job duties as the sheriff's regular deputies. They are not subject to the Civil Service or ILEA requirements as the regular deputies are upon hire or during their employment with the County. Applicants for sheriff's regular deputy vacancies must first successfully complete the Civil

Service testing requirements before they can move forward in the hiring process. The Sheriff can only hire from the list of applicants certified by the Civil Service. There is no such initial certification requirement for bailiff applicants. Upon hire, the sheriff's regular deputies are sworn in as peace officers and given arrest powers, but the same is not true for bailiffs. A conflict exists in the record whether the bailiffs take an oath of office upon hire. But even if we find that bailiffs take an oath of office upon hire, the record demonstrates that oath does not confer upon them arrest powers that regular deputies are given when hired by the County. The regular deputies are sworn in as peace officers, the bailiffs are not.

The regular deputies have to complete the 13-week ILEA training program within one year of hire to become certified peace officers. The bailiffs have no such requirement. The regular deputies have annual requirements to complete in order to maintain their ILEA certification. The County, or specifically the Sheriff, mandates specific training for bailiffs because they are the first line of defense at the courthouse. The trainings that bailiffs are required to attend pertain only to their security functions at the courthouse. While some of the trainings may be alongside regular deputies, such as firearms recertification training, the record demonstrates all County employees who carry a firearm are subject to the same firearms recertification requirements.

If we were to accept the IBEW's position that the Scott County bailiffs are regular deputies, the Scott County Sheriff should be able to assign bailiffs to,

for example, the patrol division on any given day and they could legally exercise all powers and authority of a peace officer. But the record before us demonstrates otherwise. The bailiffs are not peace officers, they have no arrest powers based on their employment as bailiffs, and the Scott County Sheriff is unable to reassign them from bailiff services to patrol. In order for a bailiff to be hired as a regular deputy, the candidate is required to first go through the Civil Service hiring process and fulfill those requirements prior to even being considered for the regular deputy position.

The other commonalities that the IBEW highlights between the bailiffs and the regular deputies, such as wearing the same uniform, gear, and shared incident reporting system, are insufficient for us to conclude that bailiffs are employed as regular deputies. On the record before us, the bailiffs are not subject to the Civil Service and ILEA requirements that are imposed on regular deputies and they are not sworn in as peace officers upon hire, which makes up the core component of the requirements and functions of a sheriff's regular deputy.

We also find that the IBEW's position in this case is inconsistent. In our review of applicable statutory language pertaining to regular deputies and reserve deputies, a person can either be a regular deputy, a reserve deputy, but not both. See Iowa Code section 80D.1A(5) (defining a "reserve peace officer" as "a volunteer, *nonregular*, sworn member of a law enforcement agency who serves with or without compensation, has regular police powers while functioning as a law enforcement agency's representative, and participates on a

regular basis in the law enforcement agency's activities including crime prevention and control, preservation of the peace, and enforcement of law." (emphasis added)); *see also* Iowa Code section 80D.8 ("Reserve peace officers shall act only in a supplementary capacity to the regular force and shall not assume full-time duties of regular peace officers without first complying with all requirements for regular peace officers).

On the record before us, about six or seven of the Scott County bailiffs are also reserve deputies for the County. Thus, when the IBEW argues the bailiffs are regular deputies, it is inconsistent to find that some of those bailiffs are or can also be reserve deputies. These two statuses are mutually exclusive. If a number of the bailiffs are admittedly reserve deputies, that fact further bolsters our conclusion that they are not also regular deputies.

Our conclusion that the Scott County bailiffs fall outside of the narrow definition of a public safety employee under Iowa Code section 20.3(11) does not and should not indicate that the work performed by these employees is not an important safety function. Evidence presented to the Board by the IBEW and the County unequivocally indicates the bailiffs ensure the safety of County employees, members of the public, and those individuals in the County's custody. The bailiffs' performance of that work involves inherent safety risks that also exist for regular deputies. Be that as it may, it is outside this Board's authority to broaden the scope of the statutory definition enacted by the Legislature.

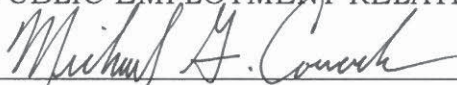
ORDER:

For those reasons, we conclude the bailiffs employed by Scott County are not employed as sheriff's regular deputies and thus are not "public safety employees" within the meaning of Iowa Code section 20.3(11). As such, the bailiffs bargaining unit is not a public safety unit within the meaning of PERB rule 621—6.4.

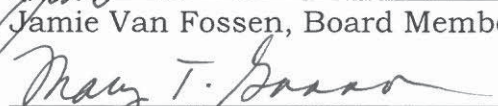
DATED at Des Moines, Iowa this 5th day of February, 2018.

PUBLIC EMPLOYMENT RELATIONS BOARD

By:


Michael G. Cormack, Board Chair


Jamie Van Fossen, Board Member


Mary T. Gannon, Board Member