CEO 604

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF: CITY OF WATERLOO, Complainant, and COMMUNICATIONS WORKERS OF AMERICA, LOCAL 7175, Respondent.	)))))))))))	CASE NO. 7377

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DECISION ON APPEAL

This matter is before us on appeal of a proposed decision and order issued by an administrative law judge (ALJ) of the Public Employment Relations Board (PERB or Board) concerning a petition for amendment of bargaining unit filed by Communications Workers of America, Local 7175 pursuant to Iowa Code section 20.13 and PERB subrule 621—4.6(20). In its petition, CWA seeks to amend the following bargaining unit it represents, which was previously determined in PERB Case No. 836:

> INCLUDED: All clerks, typists, assistants, aides, drivers, librarians and custodians.
>
> EXCLUDED: Directors, department heads, administrative secretaries, and those excluded by Section 4 of the Act.

CWA seeks to amend the unit by removing the classifications of clerks, typists, drivers and custodians from the list of classifications included in the unit, since those

formulating" prong of the conjunctive test, due to their roles in independently developing programs, there is insufficient evidence that their duties involve any significant potential conflict of interest between the City and fellow workers. Their duties do not have a significant potential impact on employment matters indicative of a conflict of interest as were present in such cases as *City of Manchester*, 06 PERB 2006 (where employees were solely formulating departmental budgets, potentially affecting monies available for employee wages and benefits) or *West Harrison Education Association*, 04 PERB 2004, (where an employee's development of curriculum could affect staffing levels).

We have considered and rejected other arguments advanced by the City on appeal. We conclude that the four classifications at issue are not managers within the statutory exclusion and that the bargaining unit should be amended to include them, and to reflect the stipulations reached by the parties.

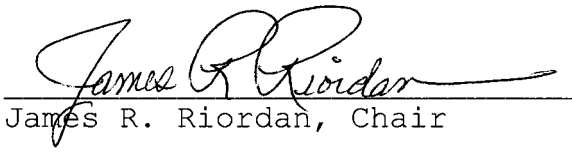
IT IS THEREFORE ORDERED that the bargaining unit of employees of the City of Waterloo most recently described in Case No.836, and the certification of the Communications Workers of America, Local 7175, is amended to provide:

> INCLUDED: All Assistants, Aides, Librarians, Network & Information Literacy Administrator, Diversity Services Coordinator, Volunteer Coordinator/ Marketing Manager, and Teen Services Librarian.

EXCLUDED: Director, Department Heads, Administrative Secretaries, Reference & Technical Systems Administrator, and those excluded by Section 4 of the Act.

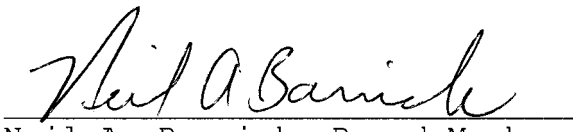
DATED at Des Moines, Iowa, this 28th day of August, 2008.

PUBLIC EMPLOYMENT RELATIONS BOARD



James R. Riordan, Chair

M. Sue Warner, Board Member



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STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF WATERLOO, Public Employer,	)	
and	)	CASE NO. 7376
COMMUNICATIONS WORKERS OF AMERICA, Petitioner/Certified Employee Organization.	)	

AMENDMENT OF CERTIFICATION

A petition for amendment of certification was duly filed under Rule 4.8 of the Public Employment Relations Board [Board or PERB] Rules. Said petition has been tentatively approved by the Board; a Public Notice of Proposed Decision of Amendment of Certification has been posted in conformance with PERB rules; and no objections have been filed, therefore:

IT IS THEREFORE ORDERED that the certification of Communications Workers of America issued in Case No. 836, is amended to read as follows:

Communications Workers of America, Local 7175

DATED at Des Moines, Iowa this 14th day of February, 2007.

PUBLIC EMPLOYMENT RELATIONS BOARD

By: James R. Riordan
James R. Riordan, Chair

cc: Midge Slater
Robert Stringer

CEO 604

STATE OF IOWA

PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF: CITY OF WATERLOO, PUBLIC EMPLOYER AND COMMUNICATIONS WORKERS OF AMERICA, PETITIONER	CASE NO. 836 ORDER OF CERTIFICATION

NOW on this 7th day of January, 1977, the Board being advised that an election was conducted pursuant to Order of the Board, and that Communications Workers of America, an employee organization, received an affirmative vote of the majority of employees in the bargaining unit, and the Board having further found that the employee organization has fully complied with all regulations of the Act and the rules and regulations thereunder,

IT IS HEREBY ORDERED BY THE BOARD that Communications Workers of America, should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for the employees of the City of Waterloo, a public employer, in the following bargaining unit:

INCLUDED: All clerks, typists, assistants, aides, drivers, librarians and custodians.

EXCLUDED: Directors, department heads, administrative secretaries, and those excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board

JOHN R. LOIHL, BOARD MEMBER

PERB-20