

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

STATE OF IOWA
 PUBLIC EMPLOYMENT
 RELATIONS BOARD
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IN THE MATTER OF:)	
)	
CITY OF WAVERLY,)	
Public Employer,)	
)	
and)	CASE NOS. 6093 & 6094
)	
INTERNATIONAL BROTHERHOOD OF ELECTRICAL)	
WORKERS, LOCAL NO. 288,)	
Certified Employee Organization/)	
Petitioner.)	

PROPOSED DECISION AND ORDER

This matter arises from a petition for clarification of bargaining unit, and alternative petition for amendment of bargaining unit, filed by Local No. 288 of the International Brotherhood of Electrical Workers.

In its petition in Case No. 6094, Local 288 seeks clarification as to whether the positions of cemetery supervisor, government buildings superintendent and building official are included within the existing Local 288-represented bargaining unit of employees of the City of Waverly. In its petition in Case No. 6093, Local 288 seeks to amend the existing unit so as to include these three positions in the event they are not found to be already included.

The cases were consolidated for hearing which was conducted on October 21 and 29, 1999, in Waverly, Iowa, Ritchie Kurtenbach appearing for Local 288 and Richard Crane for the City. Pursuant to Iowa Code section 17A.14(4), official notice was taken of the original PERB certification affecting the unit in

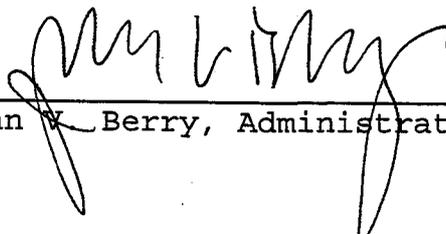
ORDER

The building official employed by the City of Waverly in the building/trades division of its Public Works Department is included within the IBEW Local 288-represented bargaining unit as most recently described in PERB Case No. 3294.

The cemetery supervisor employed in the cemetery division of the Parks & Recreation Department and the government buildings superintendent employed jointly by the Parks & Recreation Department, Fire Department and Library Board are not included within the bargaining unit described in PERB Case No. 3294, but instead are supervisory employees who fall within the unit's "all employees excluded by section 4 of the PERA" exclusion.

The cemetery supervisor and government buildings superintendent are ineligible for inclusion in any bargaining unit on the basis of their supervisory status. Because Local 288's petition to amend the existing bargaining unit so as to include those positions cannot be granted, and because its petition is moot as to the position of building official, which is already included within the unit, its amendment of bargaining unit petition is DISMISSED.

DATED at Des Moines, Iowa, this 7th day of January, 2000.



Jan W. Berry, Administrative Law Judge

File original.

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD 89 MAY 17 9:50

CITY OF WAVERLY,
Public Employer,

and

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 288,
Petitioner.

CASE NO. 3998

PUBLIC EMPLOYMENT
RELATIONS BOARD

AMENDMENT OF CERTIFICATION

Upon a petition for amendment of certification duly filed under Sections 13 & 14 of the Public Employment Relations Act and Rule 4.8 of the Public Employment Relations Board's Rules and Regulations, the parties waived hearing and filed with the Public Employment Relations Board a stipulation of amendment of certification.

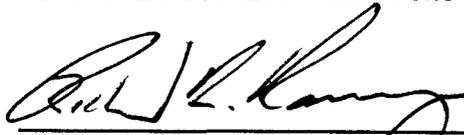
Said stipulation having been tentatively approved by the Board and the Board having no objections;

ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 3294 and the certification of the International Brotherhood of Electrical Workers, Local No. 55 in that case be and hereby is amended to read as follows: International Brotherhood of Electrical Workers, Local No. 288.

DONE by the Public Employment Relations Board this 16th day of May, 1989.

PUBLIC EMPLOYMENT RELATIONS BOARD


Richard R. Ramsey, Chairman

Copy to: Donald Sandor
Donald Frost

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF WAVERLY,)	
)	
Public Employer)	
)	
and)	
)	CASE NO. 3294
INTERNATIONAL BROTHERHOOD OF ELECTRICAL)	
WORKERS, LOCAL 55,)	
)	
Certified Employee Organization)	

AMENDMENT OF BARGAINING UNIT AND CERTIFICATION

Upon a petition for amendment of bargaining unit duly filed under Section 13 of the Public Employment Relations Act, and Rule 4.6 of the Public Employment Relations Board's Rules and Regulations, the parties filed a Stipulation of Amendment of Bargaining Unit.

ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 2527 and the certification of International Brotherhood of Electrical Workers, Local 55, is amended to read as follows:

INCLUDED: All employees of the Parks and Recreation Department, Public Works Department and including the following: all office clerical workers (excluding Account Clerk II) and all physical employees in those departments.

EXCLUDED: The directors of all departments, all personal secretaries, and all employees excluded by Section 4 of the PERA (including Account Clerk II).

Dated at Des Moines, Iowa this 30th day of September, 1986.


JAMES A. McCLIMON, BOARD MEMBER

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF WAVERLY,)	
Public Employer,)	
)	
and)	
)	CASE NO. 2527
INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS, LOCAL 55,)	
Certified Employee Organization.)	

AMENDMENT OF CERTIFICATION

Upon a petition for amendment of certification duly filed under §§ 13 & 14 of the Public Employment Relations Act and Rule 4.6 of the Public Employment Relations Board's Rules and Regulations, the parties waived hearing and filed with the Public Employment Relations Board stipulation of amendment of certification.

Said stipulation having been tentatively approved by the Board and the Board having no objections;

ORDER

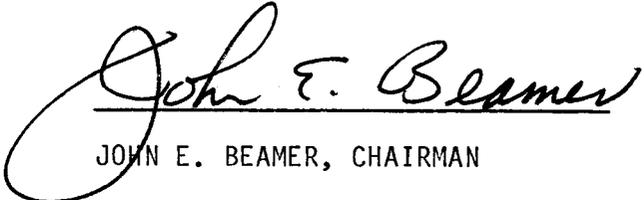
IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 1146 and the certification of IBEW Local 55 in that case be and hereby is amended to read as follows:

CITY UNIT

INCLUDED: All employees of the parks and recreation department, public works department, and including the following: All office clerical workers and all physical employees in those departments.

EXCLUDED: The directors of all departments, all personal secretaries, and all employees excluded by Section 4 of the PERA

DONE by the Public Employment Relations Board this 22nd day of February, 1984.


 JOHN E. BEAMER, CHAIRMAN

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

CITY OF WAVERLY
Public Employer/Petitioner

AND

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 55
Certified Employee Organiza-
tion and Petitioner

CASE NO. 1146

ORDER

AMENDMENT OF BARGAINING UNIT AND CERTIFICATION

Upon a petition for amendment of bargaining unit duly filed under Section 13 of the Public Employment Relations Act and Rule 4.6 of the Public Employment Relations Board's Rules and Regulations, the parties waived hearing and filed with the Public Employment Relations Board a stipulation of bargaining unit severing the employees of the Waverly Municipal Electric Utility from the previously determined bargaining unit and placing them in a separate unit.

Said stipulation having been tentatively approved by the Board and posted in conformance with the Board's Rules and Regulations, and no objections having been filed thereto, and the Board having no objection;

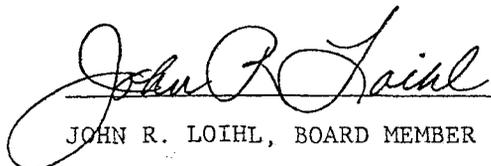
ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in case number 896 and the certification of the International Brotherhood of Electrical Workers, Local 55 in that case be and hereby are amended to read as follows:

INCLUDED: All employees of the parks and recreation department, public works department, fire department, police department, and including the following:
All office clerical workers and all physical employees.

EXCLUDED: Police chief, fire chief, the directors of all departments, all personal secretaries, and all employees excluded by Section 4 of the PERA.

DONE by the Public Employment Relations Board this 22nd day of February, 1978.


JOHN R. LOIHL, BOARD MEMBER

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

CITY OF WAVERLY
PUBLIC EMPLOYER

AND

INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL #55,
PETITIONER

CASE NO. 224

(As amended by Case #896)

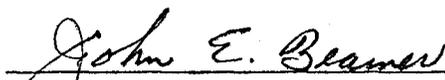
AMENDMENT TO
ORDER OF CERTIFICATION

Pursuant to the Decision and Order of the Public Employment Relations Board in Case No. 224 the bargaining unit description in the Order of Certification issued in the above captioned matter is hereby amended to read as follows:

INCLUDED: All employees of the utility department, public works department, cemeteries, parks and recreation department, police department, fire department and including the following: all office clerical workers and all physical employees.

EXCLUDED: Police chief, fire chief, and all employees excluded by Section 4 of the PERA.

DONE by the Public Employment Relations Board this 14th day of July, 1977.



JOHN E. BEAMER, CHAIRMAN

STATE OF IOWA
PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:
CITY OF WAVERLY,
PUBLIC EMPLOYER
AND
INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL #55,
PETITIONER

CASE NO. 224

ORDER OF CERTIFICATION

NOW on this 18th day of November, 1975, the Board being advised that an election was conducted pursuant to Order of the Board, and that International Brotherhood of Electrical Workers, Local #55, 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 International Brotherhood of Electrical Workers, Local #55 should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for the employees of City of Waverly a public employer, in the following bargaining unit:

INCLUDED: All employees of the utility department, public works department, cemeteries, parks and recreation department, police department, fire department, and including the following: all office clerical workers and all physical employees.

EXCLUDED: Police chief, fire chief, and all employees excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board

Edmund J. ...