CEO 333

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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PUBLIC EMPLOYMENT RELATIONS BOARD

STATE OF IOWA, Public Employer, and STATE POLICE OFFICERS COUNCIL, Certified Employee Organization/Petitioner.	)))))))))	CASE NO. 4600

DECISION ON REMAND

This case is before the Public Employment Relations Board (PERB) on remand with instructions from the Iowa Supreme Court pursuant to the Court's ruling in State of Iowa, Iowa Department of Personnel v. Iowa Public Employment Relations Board and State Police Officers Council, Supreme Court No. 113/95-397 (May 22, 1996).

BACKGROUND

This case was initiated by the filing of a petition for amendment of bargaining unit with PERB by the State Police Officers Council (SPOC) seeking to amend the job classifications of Park Ranger I, II and III (employed by DNR) into an existing certified bargaining unit represented by SPOC. The State resisted the requested amendment, and an evidentiary hearing was held before a PERB administrative law judge.

The ALJ issued a proposed decision and order on February 12, 1993. One of the issues before the ALJ concerned the State's claim that the park rangers were not eligible for inclusion in any bargaining unit because they are "supervisory" employees excluded

The record does not establish that rangers are "supervisors" within the meaning of section 20.4(2) based upon their authority to adjust the grievances of other public employees.

In summary, after considering the previously-existing record as supplemented by the new evidence regarding the park attendants' inclusion into an AFSCME-represented bargaining unit, our essential conclusions concerning the alleged supervisory status of the park rangers remain unchanged.

The park attendants' new unit status has not in any way affected the park ranger/DNR aide relationship or our conclusions concerning alleged supervisory status based thereon. Nor does the park attendants' inclusion into an AFSCME-represented unit alter our prior conclusion that the rangers are not true supervisors on the basis of their authority concerning the attendants. The park rangers are lead persons as to the park attendants, rather than true supervisors, regardless of the attendants' bargaining unit status.

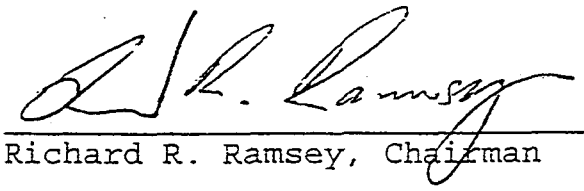
Consequently, we conclude that the park rangers are bargaining-eligible nonsupervisory employees who are appropriately included within the SPOC-represented unit, and therefore enter the following

ORDER

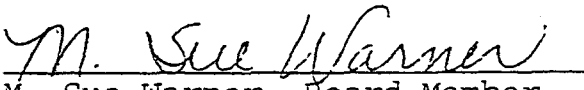
The bargaining unit of employees of the State of Iowa represented by the State Police Officers Council is hereby amended to include the classifications of Park Ranger I, II and III.

DATED at Des Moines, Iowa this 26th day of September, 1996.

PUBLIC EMPLOYMENT RELATIONS BOARD



Richard R. Ramsey, Chairman



M. Sue Warner, Board Member

CEO 333

STATE OF IOWA

PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF: STATE OF IOWA, PUBLIC EMPLOYER AND STATE POLICE OFFICERS COUNCIL, PETITIONER	CASE NO. 858 ORDER OF CERTIFICATION

NOW on this 28 th day of December, 1976, the Board being advised that an election was conducted pursuant to Order of the Board, and that State Police Officers Council, 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 State Police Officers Council, should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for the employees of the State of Iowa, a public employer, in the following bargaining unit:

INCLUDED: Conservation officers (05355)[1/], and State Waters Officers (05426) of the Conservation Commission; Special Agents, Arson Investigators, Fire Prevention Specialists, Troopers, Capitol Security Guards I, and Fire Inspectors in the Department of Public Safety.

EXCLUDED: Conservation Enforcement Supervisors (05360), Conservation Enforcement Superintendent (05365), State Waters Supervisors (05430), and State Waters Superintendent (05435) of the Conservation Commission; Sergeants, Lieutenants, Captains, Capitol Security Guards II, Capitol Security Chief, Assistant Capitol Security Chief, and Enforcement Coordinators in the Department of Public Safety; and all other managerial, supervisory, confidential, part-time and all other employees of the State of Iowa; and all other persons excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board.

1/ Numbers appearing after job classifications denote the code number assigned to that classification by the Iowa Merit Employment Department.

JOHN R. LOTHL, BOARD MEMBER

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PUBLIC EMPLOYMENT RELATIONS BOARD

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF: STATE OF IOWA, PUBLIC EMPLOYER AND ALL PETITIONERS AND INTERVENORS IN THE CASES NUMBERED HEREIN 1/	CASE NO. 294 2/

DECISION AND ORDER

The above-entitled matter came on for hearing before the Public Employment Relations Board on August 9, 1976, pursuant to prior order of the Board. Gene A. Vernon appeared on behalf of the State of Iowa; Alvin W. Logan and W. Patrick White appeared on behalf of the Staff Employees Collective Organization (SECO); Habbo Fokkena appeared on behalf of the Iowa State Troopers Association and Iowa Fish and Game Officers Association, Inc.; R. J. Smith appeared on behalf of the Iowa Department of Public Safety Special Agents Association; David Williams and Raymond Conley appeared on behalf of the State of Iowa Employees Association, American Federation of State, County and Municipal Employees (SIEA/AFSCME); and Charles E. Gribble appeared on behalf of the Iowa Land and Waters Conservation Officer Association.

The parties waived the formal presentation of any testimony or evidence in this matter and stipulated to the bargaining unit as set forth in the amendments to the petition in Case No. 294 (Exhibits 1 and 2).

The Board, having reviewed the stipulation of the parties and finding no objection thereto, finds that the following bargain-

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1/ Also, Case Nos. 226, 282, 401, 432, and 708, which were, with the approval of the Board, withdrawn at hearing.

2/ As amended at hearing.

ing units are appropriate for purposes of collective bargaining within the meaning of Section 13(2) of the Public Employment Relations Act:

1. Public Safety Unit:

   Included: Conservation officers (05355)[3/], and State Waters Officers (05426) of the Conservation Commission; Special Agents, Arson Investigators, Fire Prevention Specialists, Troopers, Capitol Security Guards I, and Fire Inspectors in the Department of Public Safety;

   Excluded: Conservation Enforcement Supervisors (05360), Conservation Enforcement Superintendent (05365), State Waters Supervisors (05430), and State Waters Superintendent (05435) of the Conservation Commission; Sergeants, Lieutenants, Captains, Capitol Security Guards II, Capitol Security Chief, Assistant Capitol Security Chief, and Enforcement Coordinators in the Department of Public Safety; and all other managerial, supervisory, confidential, part-time and all other employees of the State of Iowa; and all other persons excluded by Section 4 of the Act.

2. Security Unit:

   Included: All Security and related employees of the State of Iowa as set forth in Appendex A hereto.

   Excluded: All persons holding job classifications as set forth in Appendix B hereto; managerial, supervisory, confidential, part-time and all other employees of the State of Iowa; and all other persons excluded by Section 4 of the Act.

DATED at Des Moines, Iowa, this 16th day of August, 1976.

PUBLIC EMPLOYMENT RELATIONS BOARD

Edward F. Kolker, Chairman

Vernon C. Cook, Board Member

John R. Loihl, Board Member

3/ Numbers appearing after job classifications denote the code number assigned to that classification by the Iowa Merit Employment Department.

APPENDIX A

Code No.	State Merit Classifications	Department
00480	Grain Dealer Investigator	Commerce
00482	Warehouse Examiner	Commerce
00660	Field Safety Technician	Labor
00665	Labor Safety Educator	Labor
00675	Elevator Inspector	Labor
00679	Mines & Minerals Reclamation Officer A	Soil Conservation
00680	Surface Mine Inspector	Soil Conservation
00683	Track Car Technician A	D.O.T.
00684	Senior Track Inspector	D.O.T.
00685	Railroad Safety Investigator	D.O.T.
00686	Chief Railroad Safety Investigator	D.O.T.
02405	Health Inspector	Health
02425	Public Health Representative I	Health
05101	Weights & Measures Inspector	Agriculture
05102	Food and Sanitation Inspector	Agriculture
05103	Food Sanitation Survey Officer	Agriculture
05112	Dairy Products Inspector	Agriculture
05117	Livestock Inspector	Agriculture
05126	Meat Inspector	Agriculture
05127	Sr. Meat Inspector A	Agriculture
05140	Apiary Inspector	Agriculture
05144	Agricultural Products Inspector	Agriculture
05145	Pesticide Investigator A	Agriculture
05186	Dairy Trade Practices Investigator	Agriculture
05356	Recreational Safety Coordinator A	Conservation
05424	State Waters Aide	Conservation
06075	Training Facilities Supervisor	Law Enf. Academy
06340	Motor Vehicle Investigator	D.O.T.
06360	Motor Vehicle Officer I	D.O.T.
06361	Motor Vehicle Officer II	D.O.T.
06405	Correctional Officer I	Social Services
06406	Correctional Officer II	Social Services
06407	Correctional Escort	Social Services
06409	Correctional Officer III	Social Services
06440	Correctional Specialist	Social Services
06443	Jail Inspector	Social Services
06465	State Industries Technician I	Social Services
06466	State Industries Technician II	Social Services
06470	State Industries Supervisor	Social Services
06480	Mental Health Officer	Soc. Serv. (Woodward)
06490	Community Correctional Aide	Social Services
06491	Halfway House Worker	Social Services
07105	Guard	General
06401	Women's Corr. Officer	Social Services
07110	Security Guard I	General Services
07111	Security Guard II	General Services
07112	Military Security Guard	Adjutant General
07130	Airport Firefighter	Adjutant General
08430	Boiler Inspector	Labor
	Non-Merit Classification	
	Security Guard	Public Instruction
	University Merit Classification	
07581	Hospital Security Officer I	
07801	Parking Enforcement Officer	
07811	Parking Enf. Officer, Chief	
08121	Plant Safety Patrolman	
08131	Plant Safety Sergeant	
08111	Safety Inspector	
07491	Security-Auxiliary Officer	
07551	Security Detective	
07571	Security-Lieutenant Detective	
07511	Security-Patrolman	
07561	Security-Sergeant Detective	
07501	Security-Watchman	

APPENDIX B

Code No.	State Merit Classification	Department
00484	Asst. Dir. of Warehouse & Gr. Dealer Inv.	Commerce
00486	Dir., Warehouse & Grain Dealer Inv.	Commerce
00676	Elevator Inspection Supervisor	Labor
02410	Executive Secretary, Cosmetology	Health
02420	Executive Secretary, Barbering	Health
02426	Public Health Representative II	Health
05220	Parks Supervisor	Conservation
05225	Assistant Parks Superintendent	Conservation
05230	Parks Superintendent	Conservation
06300	Drivers License Examiner	D.O.T.
06301	Sr. Drivers License Examiner	D.O.T.
06362	Motor Vehicle Officer II	D.O.T.
06363	Asst. Motor Vehicle Enf. Dir.	D.O.T.
06364	Vehicle Enforcement Director	D.O.T.
06365	Asst. Motor Vehicle Invest. Director	D.O.T.
06402	Correctional Supervisor I	Social Services
06410	Correctional Supervisor II	Social Services
06411	Correctional Supervisor III	Social Services
06415	Correctional Security Asst. Dir.	Social Services
06416	Correctional Security Director	Social Services
06492	Halfway House Director	Social Services
07125	Fairgrounds Security Chief	Fair Board
07131	Airport Firefighter Supervisor	Adjutant General
08435	Boiler Inspection Supervisor	Labor
05210	Park Ranger I	Conservation
05215	Park Ranger II	Conservation
05217	Park Ranger III	Conservation

University Merit Classification

07582	Hospital Security Officer II
07531	Security - Lieutenant
07521	Security - Sergeant