

**THE EMPLOYER SHALL PROMPTLY POST THIS ORDER IN THE MANNER AND LOCATIONS CUSTOMARILY USED FOR THE POSTING OF INFORMATION TO EMPLOYEES. THIS ORDER SHALL REMAIN POSTED FOR 10 DAYS.**

**IF THE EMPLOYER CUSTOMARILY DISTRIBUTES INFORMATION TO EMPLOYEES BY ADDITIONAL MEANS, SUCH AS BY E-MAIL OR HARD COPY, THE EMPLOYER SHALL PROMPTLY DISTRIBUTE THIS ORDER TO THE AFFECTED EMPLOYEES THROUGH THOSE MEANS AS WELL.**

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:		)
State of Iowa,		)
Public Employer,	)	BU-0696
and	)	
AFSCME Iowa Council 61 (Security),	)	
Certified Employee Organization.	)	

ORDER OF RECERTIFICATION

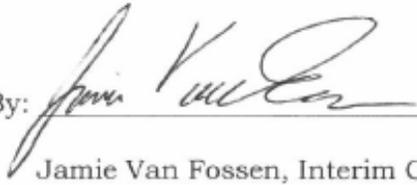
Following the filing of an order directing an election, the Public Employment Relations Board (Board) conducted a retention and recertification election pursuant to Iowa Code section 20.15(2). The Board, having subsequently reviewed the file and being fully advised in the premises, finds that a majority of the employees in the bargaining unit voted in favor of retaining and recertifying AFSCME Iowa Council 61 (Security) as the exclusive bargaining representative of the bargaining unit described below.

No objections to the election were filed as provided for in Iowa Code section 20.15(4) and PERB rule 621–5.4, and no postelection challenges were filed pursuant to PERB subrule 621–5.2(1)(b)(2) and PERB rule 621–5.6(8). Therefore, the Board finds that an order of recertification should be issued.

IT IS THEREFORE ORDERED that AFSCME Iowa Council 61 (Security) is hereby recertified as the exclusive bargaining representative of the bargaining unit of employees of the State of Iowa as described at the end of this document.

DATED at Des Moines, Iowa, this 13th day of November, 2018.

PUBLIC EMPLOYMENT RELATIONS BOARD

By:  \_\_\_\_\_  
Jamie Van Fossen, Interim Chair

**STATE OF IOWA/AFSCME IOWA COUNCIL 61 (SECURITY)**  
**BU 696**

INCLUDED: All Security and related employees of the State of Iowa, as set forth in Appendix 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.

## APPENDIX A

### Security Guard III

<u>Code</u> <u>No.</u>	<u>State Merit Classifications</u>	<u>Department</u>
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

<u>Code No.</u>	<u>State Merit Classification</u>	<u>Department</u>
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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
 <u>University Merit Classification</u>		
07582	Hospital Security Officer II	
07531	Security - Lieutenant	
07521	Security - Sergeant	



or below, and is approved by higher authority without independent review or de novo consideration as a matter of course."<sup>11</sup>

The evidence in this case clearly shows that the CSI's supervisory responsibility is substantial and persuasive enough to make the CSI classification a part of management.

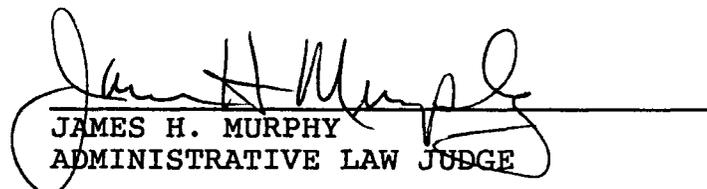
Having considered the criteria specified in Section 20.4(2) as well as the entire record, and having concluded that the classification of CSI is properly excluded from the "security bargaining unit" and based on the foregoing findings of fact and conclusions of law, I hereby issue the following recommended

ORDER

AFSCME's petition is dismissed in its entirety.

DATED at Des Moines, Iowa this 2<sup>nd</sup> day of November, 1990.

PUBLIC EMPLOYMENT RELATIONS BOARD

  
JAMES H. MURPHY  
ADMINISTRATIVE LAW JUDGE

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<sup>11</sup>Davenport Community School District, 76 PERB 72.

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF: )

STATE OF IOWA, )  
Public Employer, )

and )

AFSCME/IOWA COUNCIL 61, )  
Petitioner. )

CASE NO. 3507

PUBLIC EMPLOYMENT  
RELATIONS BOARD

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AFSCME/IOWA COUNCIL 61, )  
Complainant, )

and )

STATE OF IOWA, )  
Respondent. )

CASE NO. 3513

REISSUED DECISION ON APPEAL<sup>1</sup>

STATEMENT OF THE CASE

This case concerns an appeal by the State of Iowa (State) of a proposed decision and order issued by an administrative law judge (ALJ) on July 3, 1989 in case numbers 3507 and 3513.

<sup>1</sup>Following the issuance of our Decision on Appeal herein on October 17, 1989, the Public Employer/Respondent commenced a judicial review proceeding pursuant to section 17A.19, Code of Iowa (1989), alleging that certain statements contained in that Decision were erroneous. The language complained of consisted of comments concerning the analysis of the Administrative Law Judge who issued the Proposed Decision and Order herein and the arguments of the Public Employer/Respondent on appeal, and was neither essential nor necessary to our determination of the merits of the case. Although disagreement concerning the correctness of that dicta continues, the parties and the Board have agreed to the issuance of this Reissued Decision on Appeal, with the aforementioned dicta excised, as a means of informally resolving the pending judicial review proceeding. Such reissuance is not, however, to be construed as any acknowledgement by the Board or any party of the correctness of any other's position concerning the substance of the excised language. Since this Reissued Decision on Appeal supercedes and replaces the original Decision on Appeal herein, subscribers to the PERB Information Service should discard the October 17, 1989 Decision on Appeal and substitute this Reissued Decision in its place.

In this case, the American Federation of State, County, and Municipal Employees, Iowa Council 61 (AFSCME) filed a petition for amendment of bargaining unit (Case No. 3507) pursuant to section 13 of the Public Employment Relations Act (Act), ch. 20 Code of Iowa (1987). AFSCME also filed a prohibited practice complaint (Case No. 3513) against the State pursuant to section 11 of the Act. The cases were consolidated for hearing before the ALJ. In his proposed decision in Case No. 3507, the ALJ determined that the bargaining unit should be amended to specify the inclusion of the job classification of "Security Guard III". In Case No. 3513, the ALJ determined that the State violated sections 10(1) and 10(2)(e) of the Act in connection with its creation of the "Security Guard III" classification and its refusal to treat the new classification as included within the bargaining unit.

On July 14, 1989, the State appealed the determinations made by the ALJ in both Case Nos. 3507 and 3513 to the Public Employment Relations Board (PERB or Board) pursuant to section 11.2 of the Act. Oral arguments on appeal were presented to the Board on August 16, 1989 in Des Moines, Iowa by the State's representative, S. Fae Brown-Brewton, and by AFSCME's attorney, Michael E. Hansen. Both parties filed briefs on appeal by September 7, 1989.

At the hearing on appeal, AFSCME moved to cross-appeal the ALJ's decision on the ground that the ALJ failed to find an additional violation of section 20.10(2)(d) of the Act. Pursuant to PERB Rule 9.1, however, AFSCME's motion to cross-appeal was untimely, and is hereby denied.

provisions of the federal statute. We conclude that the State violated sections 10.1 and 10.2(e) of the Act by refusing to apply terms of the contract, specifically the dues deductions provisions, to Security Guard IIIs in the mistaken belief that changes in their duties and/or titles rendered them excluded from the unit.

In the present case, although AFSCME had a right, upon request, to bargain the pay grade for the new Security Guard III position unilaterally established by the State, we conclude that AFSCME waived that right. When notified of the proposed new classification, AFSCME did not request to bargain the particulars of the terms of the new classification, apparently because AFSCME was satisfied with the pay grade established by the State. The State violated sections 10.1 and 10.2(e) of the Act, however, by refusing to apply contract terms, specifically, the dues deduction provisions of the contract, to the new classification, and AFSCME promptly acted to protect its rights in this regard by filing the instant complaint.

Accordingly, based on all of the above, we conclude that the State violated sections 10.1 and 10.2(e) by its actions. In order to remedy the prohibited practices found, we issue the following:

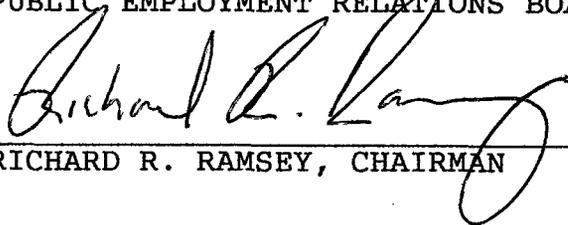
#### ORDER

The Order of Certification of AFSCME/Iowa Council 61, and the State of Iowa security bargaining unit determined by PERB in Case No. 942 are hereby clarified and amended to specifically include the job classification of Security Guard III.

In order to remedy the prohibited practices found to have occurred, the State shall cease and desist from excluding Security Guard IIIs from coverage of the collective bargaining agreement, and shall immediately post copies of the attached Notice to Employees at the Woodward State Hospital-School, in places customarily used for the posting of notices to employees, for a period of not less than thirty (30) calendar days.

DATED at Des Moines, Iowa this 5<sup>th</sup> day of February, 1990.

PUBLIC EMPLOYMENT RELATIONS BOARD

  
RICHARD R. RAMSEY, CHAIRMAN

  
M. SUE WARNER, BOARD MEMBER

STATE OF IOWA  
 BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF: )

STATE OF IOWA, )  
 PUBLIC EMPLOYER )

AND )

AMERICAN FEDERATION OF STATE, COUNTY )  
 AND MUNICIPAL EMPLOYEES, AFL-CIO, )  
 COUNCIL NO. 61, )  
 PETITIONER )

CASE NO. 942

AND )

STAFF EMPLOYEES COLLECTIVE ORGANIZATION, )  
 INTERVENOR )

ORDER OF CERTIFICATION

NOW on this 21st day of April, 1977, the Board being advised that an election was conducted pursuant to Order of the Board, and that the American Federation of State, County & Municipal Employees, AFL-CIO, Council No. 61, an employee organization, received an affirmative vote of the majority of employees in the above-referenced case, 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 American Federation of State, County & Municipal Employees, AFL-CIO, Council No. 61, should be, and hereby is, designated as the exclusive bargaining representative for certain employees of the State of Iowa, a public employer, in the following bargaining unit:

INCLUDED: All Security and related employees of the State of Iowa, as set forth in Appendix 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.

DONE by the Public Employment Relations Board this 21st day of April, 1977.



APPENDIX A

<u>Code No.</u>	<u>State Merit Classification</u>	<u>Department</u>
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	Aplary 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.
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06480	Mental Health Officer	Soc. Serv. (Woodward)
06490	Community Correctional Aide	Social Services
06491	Halfway House Worker	Social Services
07105	Guard	General
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07110	Security Guard I	General Services
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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

<u>Code No.</u>	<u>State Merit Classification</u>	<u>Department</u>
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.
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06492	Halfway House Director	Social Services
07125	Fairgrounds Security Chief	Fair Board
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08435	Boiler Inspection Supervisor	Labor
05210	Park Ranger I	Conservation
05215	Park Ranger II	Conservation
05217	Park Ranger III	Conservation
<u>University Merit Classification</u>		
07582	Hospital Security Officer II	
07531	Security - Lieutenant	
07521	Security - Sergeant	

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STATE OF IOWA

PUBLIC EMPLOYMENT RELATIONS BOARD

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)<sup>3/</sup>, 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.

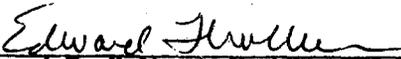
2. Security Unit:

Included: All Security and related employees of the State of Iowa as set forth in Appendix 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

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

APPENDIX A

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APPENDIX B

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