

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

| | | |
|----------------------------------|---|-----------------------------|
| IN THE MATTER OF: |) | |
| CITY OF DENISON, |) | |
| Public Employer/Petitioner, |) | CASE NO. 102443 |
| and |) | PROPOSED DECISION AND ORDER |
| DENISON POLICE ASSOCIATION, |) | |
| Certified Employee Organization. |) | |

On June 10, 2020, the City of Denison (City) filed an amendment of bargaining unit petition with the Public Employment Relations Board (PERB or Board) pursuant to Iowa Code section 20.13 and PERB rule 621—4.6(20). The petition seeks to amend the existing bargaining unit of employees represented by the Denison Police Association (Association) to exclude the positions of deputy clerk and sergeant pursuant to Iowa Code section 20.4. The Denison Police Association argues these positions are appropriately included in the unit.

Pursuant to notice, a hearing on the amendment of unit was conducted before the ALJ by video conference on October 13, 2020. Matt Brick represented the City. Jay Smith represented the Association. The parties submitted post-hearing briefs on December 17, 2020. Pursuant to Iowa Code section 17A.14(4), the ALJ took official notice of the original PERB certification and bargaining unit description and all subsequent amendments for the unit as listed in PERB Case Nos. 3564, 4594, and 8323.

demonstrate that sergeants are supervisory employees due to their direction of the patrol officers' work.

The City has failed to demonstrate the sergeants in the Denison Police Department are supervisory employees pursuant to Iowa Code section 20.4(2). As such, the bargaining unit appropriately includes the sergeants.

ORDER

The City's petition to amend the bargaining unit is granted in part and dismissed in part.

In accordance with Iowa Code section 20.13, the following group of employees of the City of Denison is determined to constitute an appropriate unit for purposes of collective bargaining pursuant to Iowa Code chapter 20:

INCLUDED: Full time and part time Police Department employees including, Probationary Officers, Patrol Officers, Sergeant, Lieutenant and Police Department Communications Operators, full time City Maintenance Department employees, assistants to City Clerk, Building Inspector.

EXCLUDED: Chief of Police, Assistant Chief of Police, Secretary to Chief of Police, Deputy Clerk, Street Commissioner, Parks and Recreation employees, temporary employees, supervisors, management officials and all others excluded by Section 4 of the Act.

This proposed decision will become PERB's final decision on the amendment of bargaining unit petition in accordance with PERB rule 621—9.1(20) unless, within 20 days of the date below, a party aggrieved by the proposed decision files an appeal to the Board or the Board on its own motion determines to review the proposed decision.

DATED at Des Moines, Iowa, this 12th day of February, 2021.

/s/ Amber DeSmet

Administrative Law Judge

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

CITY OF DAVENPORT,
Public Employer,

and

UNION OF PROFESSIONAL POLICE, INC.,
Certified Employee
Organization/Petitioner.

CASE NO. 102201

AMENDMENT OF BARGAINING UNIT AND CERTIFICATION

Upon a petition for amendment of bargaining unit duly filed pursuant to Iowa Code section 20.13 and PERB rule 621—4.6(20), the parties filed with the Board a stipulation of bargaining unit as amended, which was tentatively approved by the Board. A public notice of the Board's proposed decision to amend the bargaining unit in accordance with the parties' stipulation was posted in conformance with PERB rules, and no objections to the proposed decision were filed.

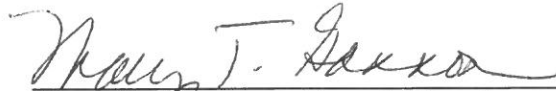
IT IS THEREFORE ORDERED that the bargaining unit of employees of the City of Davenport, initially determined in PERB Case No. 609 and amended in Case Nos. 1209, 3562, and 4546, and the certification of the Union of Professional Police, Inc., is amended to read as follows:

INCLUDED: Police Officers, Police Corporals, and Police Sergeants.

EXCLUDED: Chief of Police, Majors, Captains, Lieutenants and other employees of the Davenport Police Department and City of Davenport employees excluded under the Public Employment Relations Act.

Dated at Des Moines, Iowa, this 11th day of July, 2018.

PUBLIC EMPLOYMENT RELATIONS BOARD

By: 
Mary T. Gannon, Board Member

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

| | | |
|------------------------------------|---|---------------|
| CITY OF DAVENPORT, |) | |
| Public Employer, |) | |
| |) | |
| and |) | CASE NO. 4546 |
| |) | |
| UNION OF PROFESSIONAL POLICE, INC. |) | |
| Petitioner. |) | |

AMENDMENT OF BARGAINING UNIT AND CERTIFICATION

Upon a petition for amendment of bargaining unit and Certification duly filed under Section 13 of the Public Employment Relations Act [Act], Chapter 20, Iowa Code (1991) and Rule 4.6 of the Public Employment Relations Board [Board or PERB], the parties filed with the Board a Stipulation of Bargaining Unit.

Said Stipulation has been tentatively approved by the Board; a Public Notice of Proposed Decision of Amendment of Bargaining Unit and Certification has been posted in conformance with PERB Rules; and no objections have been filed, therefore:

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 609 and amended in Cases No. 1209 and 3562, and the certification of Iowa State Policemen's Association, Local No. 2, is amended to read as follows:

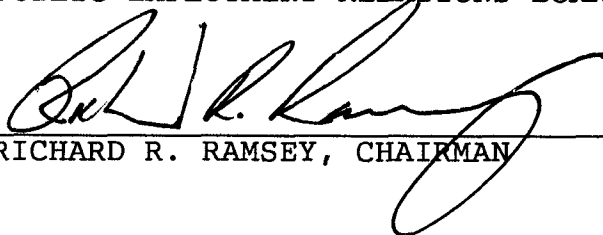
CERTIFIED EMPLOYEE ORGANIZATION: UNION OF PROFESSIONAL POLICE INC.

INCLUDED: Police Officers, Police Corporals, Police Sergeants and Communication Clerks.

EXCLUDED: Chief of Police, Lieutenant Colonel, Majors, Captains, Lieutenants and other employees of the Davenport Police Department and City of Davenport excluded under the Public Employment Relations Act.

DATED at Des Moines, Iowa this 16th day of October, 1991.

PUBLIC EMPLOYMENT RELATIONS BOARD

A handwritten signature in black ink, appearing to read "R. R. Ramsey", is written over a horizontal line. The signature is fluid and cursive.

RICHARD R. RAMSEY, CHAIRMAN

cc: Gerald Meehan
Daryl Moore

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF DAVENPORT,)
public Employer,)
and)
IOWA STATE POLICEMEN'S ASSOCIATION,)
Certified Employee Organization.)

CASE NO. 3562

AMENDMENT OF UNIT

Upon a petition for amendment of unit 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 a stipulation of amendment of unit.

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

ORDER

IT IS HEREBY ORDERED that the bargaining units previously determined in Case Nos. 609 & 2306 and amended in Case No. 1209 and the certification of Iowa State Policemen's Association (#609 & #1209) and AFSCME Council 61 (#2306) in those cases be and hereby is amended to read as follows:

IOWA STATE POLICEMEN'S ASSOCIATION, LOCAL NO. 2

INCLUDED: All members of the Davenport Police Department who hold the rank of Sergeant and ranks below; all persons assigned to duties as desk clerks; and all persons who are radio operators for the City of Davenport Police Department.

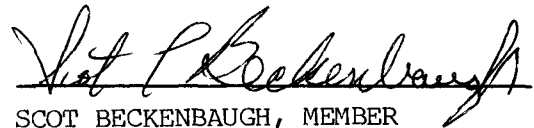
EXCLUDED: All persons who hold rank with the Davenport Police Department of Lieutenant and above and those excluded under Section 4 of the Public Employment Relations Act.

AFSCME, COUNCIL 61

INCLUDED: All clerical, technical, administrative employees and meter checkers employed by the City of Davenport.

EXCLUDED: All elected officials, department heads, assistant department heads, supervisory employees, confidential employees and all others excluded the Iowa Public Employment Relations Act, and all employees of the Library and Art Gallery.

DONE by the Public Employment Relations Board this 6th day of November, 1987


SCOT BECKENBAUGH, MEMBER

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF
CITY OF DAVENPORT,
EMPLOYER

AND

IOWA STATE POLICEMENS ASSOCIATION,
LOCAL NUMBER 2
PETITIONER

CASE NO 1209

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 stipulation of bargaining unit including the job classifications of Sergeant and ranks below, meter maids, desk clerks and radio operators

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 number 1209 and the certification of the Iowa State Policemen's Association, Collective Bargaining Unit, Local #2, in that case be and hereby are amended to read as follows

INCLUDED All members of the Davenport Police Department who hold the rank of Sergeant and ranks below, meter maids, all persons assigned to duties as desk clerks, and all persons who are radio operators for the City of Davenport Police Department

EXCLUDED All persons who hold rank with the Davenport Police Department of Lieutenant and above and those excluded under Section 4 of the Public Employment Relations Act

DONE by the Public Employment Relations Board this 11th day of June, 1979


JOHN R. LOIHL, BOARD MEMBER

