

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:	)	
	)	
CITY OF CEDAR FALLS,	)	
Petitioner/Public Employer,	)	
	)	
and	)	CASE NO. 8108
	)	
CEDAR FALLS FIREFIGHTERS	)	
ASSOCIATION, LOCAL 1366,	)	
Certified Employee	)	
Organization.	)	

2009 MAR 27 AM 9:47  
PUBLIC EMPLOYMENT  
RELATIONS BOARD

CLARIFICATION OF BARGAINING UNIT AND CERTIFICATION

Upon a petition for clarification of bargaining unit duly filed pursuant to Iowa Code section 20.13 and PERB rule 621-4.7(20), the parties filed with the Board a stipulation of bargaining unit as clarified, which was tentatively approved by the Board. A public notice of the Board's proposed decision to clarify the bargaining unit in accordance with the parties' stipulation was posted in conformance with PERB's rules, and no objections to the proposed decision were filed.

IT IS THEREFORE ORDERED that the bargaining unit initially determined in PERB Case No. 473 and amended in Case Nos. 949, 2073, 5683, 6868 and 7988, and the certification of the Cedar Falls Firefighters Association, Local 1366, is amended to provide:

INCLUDED: All employees of the City of Cedar Falls employed in the classifications of Firefighter, Lieutenant and Minimum Rental Housing Inspector.

EXCLUDED: Fire Chief, Battalion Chiefs, Captains, Secretary, Paid On-Call Employee Firefighters, Community Firefighters and all others excluded by Iowa Code section 20.4.

Dated at Des Moines, Iowa, this 27th day of March, 2009.

PUBLIC EMPLOYMENT RELATIONS BOARD

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

Original filed.  
Copies to: Susan Bernau Staudt  
          James Cook  
          Fire Chief John Schilling  
          Gary Hesse, City Clerk

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:	)	
	)	
CITY OF CEDAR FALLS,	)	
Petitioner/Public Employer,	)	
	)	
and	)	CASE NO. 7988
	)	
CEDAR FALLS FIREFIGHTERS	)	
ASSOCIATION, LOCAL 1366,	)	
Certified Employee	)	
Organization.	)	

PUBLIC EMPLOYMENT  
 RELATIONS BOARD  
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CLARIFICATION OF BARGAINING UNIT AND CERTIFICATION

Upon a petition for clarification of bargaining unit duly filed pursuant to Iowa Code section 20.13 and PERB rule 621-4.7(20), the parties filed with the Board a stipulation of bargaining unit as clarified, which was tentatively approved by the Board. A public notice of the Board's proposed decision to clarify the bargaining unit in accordance with the parties' stipulation was posted in conformance with PERB's rules, and no objections to the proposed decision were filed.

IT IS THEREFORE ORDERED that the bargaining unit initially determined in PERB Case No. 473 and amended in Case Nos. 949, 2073, 5683, 6868 and 7244, and the certification of the Cedar Falls Firefighters Association, Local 1366, is clarified to provide as follows:

INCLUDED: All employees of the City of Cedar Falls employed in the classifications of Firefighter, Lieutenant and Minimum Rental Housing Inspector.

EXCLUDED: Fire Chief, Division Commanders, Shift Station Commanders, Training Coordinator Station Commander, Secretary, Paid On-Call Employee Firefighters, Community Firefighters and all others excluded by Iowa Code section 20.4.

Dated at Des Moines, Iowa, this 10th day of March, 2008.

PUBLIC EMPLOYMENT RELATIONS BOARD

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

Copies to: Nathan Willems  
Susan Staudt

NOTE TO CERT/ORG FILE OF CEDAR FALLS FIREFIGHTERS  
ASSOCIATION, LOCAL 1366

In early 2006, the CEO and Employer each filed AU petitions (7235 and 7244) which were consolidated for hearing. The ALJ agreed with each of the petitioners in part, and proposed an amended unit. Case 7235 was appealed to Board, but 7244 was not, and that change became final. The change wrought by 7244 was never reflected in a separate unit description, however, because the 7244 change was combined with the 7235 change in the ALJ's proposed decision.

Ultimately, the petition in 7235 was withdrawn. Consequently, the unit described in the proposed D & O never became the unit because it included changes wrought by 7235 which never became effective. For historical purposes, the file should reflect that, giving effect to the proposed D&O in 7244, which became final, without the proposed changes due to 7235, which did not, the unit as amended by 7244 only, which became final 4/27/06, is described as:

INCLUDED: All employees of the City of Cedar Falls employed in its Fire Department including those in the classifications of Firefighter, Lieutenant and Minimum Rental Housing Inspector.

EXCLUDED: Fire Chief, Division Commanders, Shift Station Commanders, Training Coordinator Station Commander, Secretary and all others excluded by Iowa Code section 20.4.

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

PUBLIC EMPLOYMENT  
RELATIONS BOARD  
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IN THE MATTER OF:	)	
	)	
CITY OF CEDAR FALLS,	)	
Public Employer,	)	
	)	
and	)	CASE NO. 6868
	)	
CEDAR FALLS FIREFIGHTERS ASSOCIATION,	)	
LOCAL 1366,	)	
Petitioner/Certified Employee	)	
Organization.	)	

DECISION ON APPEAL

This case is before the Public Employment Relations Board (PERB or Board) on appeal from a proposed decision and order of an administrative law judge in an amendment of bargaining unit proceeding filed by the Cedar Falls Firefighters Association, Local 1366 (the Association). The Association's petition sought to amend the unit's description to reflect the inclusion of the job classification of "Captain" as well as the new classifications of "Division Commander" and "Station Commander," and to eliminate any reference to the obsolete classification of "Fire Safety Officer."

At hearing before the ALJ, the Association withdrew the portions of the petition relating to the by-then-obsolete classification of Captain and the classification of Division Commander, and the parties stipulated that the Division Commander classification should be specifically excluded from the bargaining unit and that the description should no longer refer to a Fire Safety Officer in any way. Following the submission of briefs, the ALJ concluded that Station Commanders were supervisory employees within the meaning of Iowa Code

section 20.4(2) and thus proposed that the unit's description be amended to specifically exclude them.

Pursuant to PERB subrule 621-9.2(3), we have heard the case upon the record submitted before the ALJ during an evidentiary hearing on August 31, 2004. Oral arguments to the Board on appeal were heard on March 3, 2005, and both parties filed briefs on appeal. Pursuant to Iowa Code section 17A.15(3), on this appeal we possess all powers which we would have possessed had we elected, pursuant to PERB rule 621-2.1, to preside at the evidentiary hearing in place of the ALJ.

Based upon the entire record in this matter, and having considered the parties' oral arguments and briefs, we conclude that the Station Commanders, with the exception of one who serves as the Fire Department's Training Coordinator, are supervisory employees excluded from the coverage of Iowa Code chapter 20, and issue the following:

#### FINDINGS OF FACT

The City of Cedar Falls is a public employer within the meaning of Iowa Code section 20.3(11) and the Association is an employee organization within the meaning of section 20.3(4).

The Association was certified as the exclusive bargaining representative for certain employees in the City's Fire Department on December 8, 1975. The unit was amended in 1977, 1982 and 1997, and as of the date of hearing was described as:

INCLUDED: All employees of the Cedar Falls Fire Division including firefighters, lieutenants, and Minimum Rental Housing Inspector.

viewed as unusually top-heavy. However, our unit determinations must be made on the basis of our application of Iowa Code sections 20.4 and 20.13.


We conclude that the Station Commanders, with the exception of one who serves as the Fire Department's Training Coordinator, are supervisory employees excluded from the coverage of Iowa Code chapter 20. Accordingly, IT IS HEREBY ORDERED that the bargaining unit most recently amended in PERB Case No. 5683 is amended to provide:

INCLUDED: All employees of the City of Cedar Falls employed in its Fire Department including those in the classifications of Firefighter, Lieutenant, Training Coordinator Station Commander and Minimum Rental Housing Inspector.

EXCLUDED: Fire Chief, Division Commanders, Shift Station Commanders, Secretary and all others excluded by Iowa Code section 20.4.

DATED at Des Moines, Iowa, this 1st day of February, 2006.

PUBLIC EMPLOYMENT RELATIONS BOARD

  
James R. Riordan, Chair

  
M. Sue Warner, Board Member

  
Neil A. Barrick, Board Member

Mail copies to: Susan Staudt  
City of Cedar Falls  
220 Clay Street  
Cedar Falls IA 50613

Edward J. Gallagher, Jr.  
405 East Fifth St.  
PO Box 2615  
Waterloo IA 50704-2615

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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PUBLIC EMPLOYMENT  
RELATIONS BOARD

CITY OF CEDAR FALLS	)	
Public Employer	)	
and	)	CASE NO. 5683
	)	
CEDAR FALLS FIREFIGHTERS	)	
ASSOCIATION, LOCAL 1366	)	
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 [Act], Chapter 20, Iowa Code (1997) 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 was tentatively approved by the Board; a Public Notice of Proposed Decision of Amendment of Bargaining Unit was posted in conformance with PERB Rules; and no objections were filed, therefore:

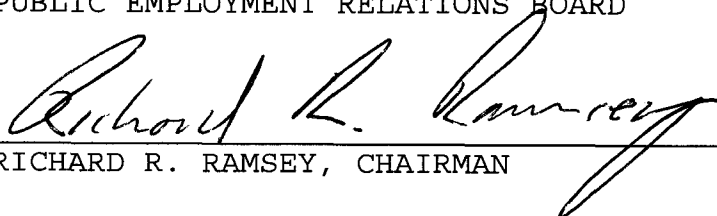
**IT IS THEREFORE ORDERED** that the bargaining unit previously determined in Case No. 2073, and the certification of Cedar Falls Firefighters Association, Local 1366, is amended to read as follows:

**INCLUDED:** All employees of the Cedar Falls Fire Division including firefighter, lieutenant, and Minimum Rental Housing Inspector.

**EXCLUDED:** Fire chief, fire safety officer, captain, secretary and all others persons excluded by Section 4 of the Act.

DATED at Des Moines, Iowa this 7th day of April, 1997.

PUBLIC EMPLOYMENT RELATIONS BOARD

  
RICHARD R. RAMSEY, CHAIRMAN

cc: L.W. Young  
Jeffrey Danielson

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

FILED  
OCT 7 1982 - 11:55 AM  
PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF CEDAR FALLS, IOWA,	)	
	)	
PETITIONER/PUBLIC EMPLOYER	)	
	)	
AND	)	CASE NO. 2073
	)	
CEDAR FALLS FIREFIGHTERS ASSOCIATION,	)	
LOCAL NO. 1366,	)	
	)	
CERTIFIED EMPLOYEE ORGANIZATION	)	

RECOMMENDED DECISION AND ORDER

ORDER

IT IS HEREBY ORDERED that the bargaining unit established in PERB Case No. 473, and amended in PERB Case No. 949, be, and the same hereby is, amended to read as follows:

**INCLUDED:** All employees of the Cedar Falls Fire Department including firefighters, assistant fire shift supervisor, assistant fire marshal, fire marshal and fire training officer.

**EXCLUDED:** Fire chief, assistant fire chief, fire equipment mechanic (assistant chief), fire records supervisor, shift supervisor and all other persons excluded by Section 4 of the Act.

DATED at Des Moines, Iowa this 7th day of October, 1982.

*Susan K. Schreurs*  
SUSAN K. SCHREURS/HEARING OFFICER



STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:  
CITY OF CEDAR FALLS,  
PUBLIC EMPLOYER/PETITIONER  
AND  
CEDAR FALLS FIRE FIGHTER ASSOCIATION,  
LOCAL NO. 1366,  
CERTIFIED EMPLOYEE ORGANIZATION/  
PETITIONER

CASE NO. 949

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 above-mentioned parties filed with the Board a stipulation of bargaining 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:

ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 473 and the Certification of the Cedar Falls Fire Fighter Association, Local No. 1366, in that case, is amended to read as follows:

- INCLUDED: All employees of the Cedar Falls Fire Department including fire fighters, assistant fire shift supervisor, assistant fire marshal, fire shift supervisor and fire training officer.
- EXCLUDED: Fire chief, assistant fire chief, fire marshal (assistant chief), fire equipment mechanic (assistant chief), fire records supervisor and all other persons excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board this 28th day of March, 1977.

*Vernon C. Cook*  
VERNON C. COOK, BOARD MEMBER

STATE OF IOWA  
PUBLIC EMPLOYMENT RELATIONS BOARD

807 TENTH STREET • DES MOINES, IOWA 50309 • (515) 281-4414

HON. ROBERT D. RAY  
Governor

Edward F. Kether  
Chairman  
247-4041  
Vernon C. Cook  
Member  
247-4048  
John R. Lohm  
Member  
247-4048  
Peter L. J. Paslier  
Executive Director  
247-4048

March 9, 1977

STATE OF IOWA  
PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

CITY OF CEDAR FALLS,  
PUBLIC EMPLOYER

AND

CEDAR FALLS FIREMAN'S ASSOCIATION,  
LOCAL NO. 1366,  
PETITIONER

CASE NO. 473

ORDER OF CERTIFICATION

NOW on this 8th day of December, 1975, the Board being advised that an election was conducted pursuant to Order of the Board, and that Cedar Falls Fireman's Association, Local No. 1366, 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 Cedar Falls Fireman's Association, Local No. 1366, should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for the employees of City of Cedar Falls a public employer, in the

following bargaining unit:

INCLUDED: All employees of the Cedar Falls Fire Department including fire fighters, fire records supervisors, assistant fire shift supervisors, assistant fire marshal, fire shift supervisors, and fire training officer.

EXCLUDED: Fire chief, assistant fire chief, fire marshal (assistant chief), fire equipment mechanic (assistant chief), and all other persons excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board

