

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:)	
CITY OF ONAWA,)	
Public Employer,)	
and)	CASE NO. 102507
AFSCME COUNCIL 61,)	
Certified Employee)	
Organization/Petitioner.)	

PROPOSED DECISION AND ORDER

On November 5, 2020, AFSCME Council 61 filed a petition for amendment of bargaining unit pursuant to Iowa Code section 20.13 and PERB rule 621—4.6 (20). AFSCME seeks to add two newly created positions—electric superintendent and assistant electric superintendent—to an existing bargaining unit of City of Onawa employees. The City resists the petition, asserting the new positions are supervisory employees within the meaning of Iowa Code subsection 20.4(2) and thus excluded from coverage of Iowa Code chapter 20.

Pursuant to notice, an evidentiary hearing on the petition was held before me on February 2, 2021. AFSCME was represented by Julie Dake Abel. The City was represented by Jack Reed. The City delivered closing arguments at the conclusion of the hearing. AFSCME filed a post-hearing brief on March 2, 2021.

Based upon the entirety of the record, and having considered the parties' arguments, I conclude the electric superintendent and assistant electric superintendent are not supervisory employees excluded from coverage of Chapter 20 and thus can be added to the existing unit.

the statute. The record plainly establishes the authority to promote the apprentice belongs to the personnel committee, not the ES or AES.

3.6 Conclusion

Based on the record presented, the City has not established the electric superintendent and assistant electric superintendent are supervisory employees as defined by Iowa Code subsection 20.4(2). Consequently, in accordance with Iowa Code section 20.13, I find it appropriate to add the electric superintendent and assistant electric superintendent to the existing bargaining unit. For the reasons stated, I propose the entry of the following:

ORDER

The employee organization's petition to amend the existing bargaining unit is GRANTED. The bargaining unit previously determined in Case No. 8505, and the certification of AFSCME Council 61, is hereby amended to read as follows:

INCLUDED: maintenance operations coordinator, cemetery sexton/street foreman, electric superintendent, assistant electric superintendent, electric foreman, water/sewer foreman, wastewater treatment plant worker, street/cemetery crew worker, electric crew worker, water/sewer crew worker, shop/maintenance worker, administrative assistant, deputy clerk, and community center staff.

EXCLUDED: city administrator, police chief, assistant police chief, city clerk, community center director, police officers, and seasonal workers.

This proposed decision will become PERB's final decision on the unit amendment petition pursuant to PERB rule 621—9.1 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 30th day of December, 2021.

/s/Jasmina Sarajlija
Administrative Law Judge

Electronically filed.
Parties served via eFlex.

CEO 1228 (PUBLIC WORKS)

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

CITY OF ONAWA,
Public Employer,

and

AFSCME COUNCIL 61,
Petitioner.

CASE NO. 8505

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ORDER OF CERTIFICATION

Upon a petition duly filed in accordance with Iowa Code section 20.14 and PERB rule, a representative certification election was conducted herein under the direction and supervision of the Board. The Board, having subsequently reviewed the file and being fully advised in the premises, finds that a majority of the valid ballots were cast in favor of the affected bargaining unit's representation by AFSCME Council 61, that no objections to the election were filed as provided for in Iowa Code section 20.15 and PERB rule, and that the employee organization has complied with the relevant requirements of Iowa Code section 20.25.

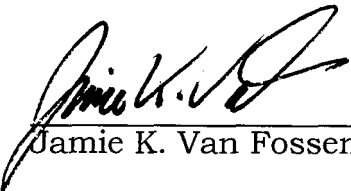
IT IS THEREFORE ORDERED that AFSCME Council 61 is hereby designated and certified as the exclusive bargaining representative of the following bargaining unit of employees of the City of Onawa.

INCLUDED: maintenance operations coordinator, cemetery sexton/street foreman, electric foreman, water/sewer foreman, wastewater treatment plant worker, street/cemetery crew worker, electric crew worker, water/sewer crew worker, shop/maintenance worker, administrative assistant, deputy clerk, and community center staff.

EXCLUDED: city administrator, police chief, assistant police chief, city clerk, community center director, police officers, and seasonal workers.

Dated at Des Moines, Iowa, this 29th day of January, 2013.

PUBLIC EMPLOYMENT RELATIONS BOARD

By: 

Jamie K. Van Fossen, Board Member