

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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IN THE MATTER OF:

COLO-NESCO COMMUNITY SCHOOL  
DISTRICT,  
Public Employer,

and

COLO-NESCO EDUCATION ASSOCIATION,  
Certified Employee  
Organization/Petitioner.

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CASE NO. 100000

PROPOSED DECISION AND ORDER

This is an amendment of bargaining unit proceeding commenced by the Colo-Nesco Education Association (the Association) pursuant to PERB rule 621-4.6(20). The Association seeks to amend a bargaining unit of professional employees of the Colo-Nesco Community School District (the District) which it has been previously certified to represent, to include the position of technology director (which the parties have also at times referred to as the director of information technology).

The District resists the petition, asserting that the position is excluded from the coverage of Iowa Code chapter 20 because it is a representative of the public employer within the meaning of section 20.4(2) or a confidential employee within the meaning of section 20.4(3). The District also argues that even if the technology director is not excluded from chapter 20's coverage, its inclusion within the existing unit is not appropriate because it does not share a community of interest with the employees in that unit.

Pursuant to notice, an evidentiary hearing on the petition was held before me in Des Moines, Iowa on January 13, 2015. The Association was represented

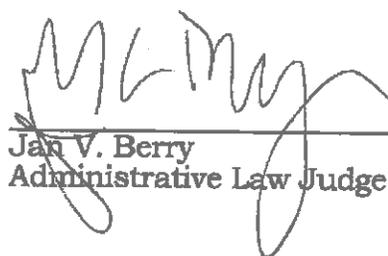
such a unit due to the section 20.13(4) requirement that professional and non-professional employees not be included in the same unit unless a majority of both agree.

I propose the entry of the following:

ORDER

The technology director position is a representative of the public employer and is excluded from the scope of chapter 20. Because the position thus cannot be included in a bargaining unit, the Association's petition is DISMISSED.

Dated at Des Moines, Iowa, this 18th day of December, 2015.



Jan V. Berry  
Administrative Law Judge

Parties served via eFlex.  
Electronically filed.

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

CEO

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COLO-NESCO COMMUNITY SCHOOL DISTRICT )	
Public Employer )	
and )	CASE NO. 4512
Colo-Nesco EDUCATION ASSOCIATION )	
Petitioner )	

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**AMENDMENT OF BARGAINING UNIT AND CERTIFICATION**

Upon a petition for amendment of bargaining unit and certification filed under Rules 4.6 and 4.8 of the Public Employment Relations Board [Board or PERB], the parties filed with the Board a Stipulation.

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 units previously determined in Case Nos. 327 & 523, and the certification of the respective education associations, are amended to read as follows:

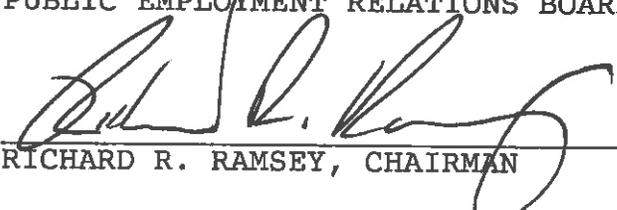
**CERTIFIED EMPLOYEE ORGANIZATION:** Colo-Nesco Education Association

**INCLUDED:** All regular full-time and part-time teachers, librarians, counselors and nurse.

**EXCLUDED:** All other employees of the District, superintendent, principals, athletic director, substitute teachers, confidential and supervisory personnel, custodians, secretaries, bus drivers, cooks and all other persons excluded by Section 4 of the Act.

DATED at Des Moines, Iowa this 6th day of December, 1991.

PUBLIC EMPLOYMENT RELATIONS BOARD

  
RICHARD R. RAMSEY, CHAIRMAN

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STATE OF IOWA  
PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:  
CCLO COMMUNITY SCHOOLS,  
PUBLIC EMPLOYER  
AND  
COLO EDUCATION ASSOCIATION,  
PETITIONER

CASE NO. 523

ORDER OF CERTIFICATION

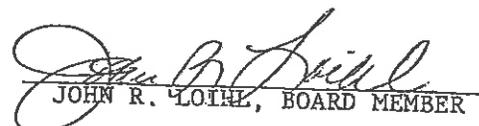
NOW on this 12th day of December 1975, the Board being advised that an election was conducted pursuant to Order of the Board, and that Colo Education Association an employee organization, received an affirmative vote of the majority of employees in the bargaining unit, and the Board having further found 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 Colo Education Association should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for the employees of Colo Community Schools a public employer, in the following bargaining unit:

INCLUDED: All classroom teachers, guidance counselors, librarians, nurse and all regular part-time teachers employed by the Colo Community School District,

EXCLUDED: All other employees of the District, superintendent, principals, substitute teachers, confidential and supervisory personnel, custodians, secretaries, bus drivers, cooks and all other persons excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board.

  
JOHN R. LOHLE, BOARD MEMBER

Geo 445

STATE OF IOWA  
PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

NESCO COMMUNITY SCHOOL DISTRICT,  
PUBLIC EMPLOYER

AND

NESCO EDUCATION ASSOCIATION,  
PETITIONER

Case No. 327

ORDER OF CERTIFICATION

Now on this 22nd day of September, 1975, the Board being advised that an election was conducted on September 2, 1975, pursuant to order of the Public Employment Relations Board and that Nesco Education Association

an employee organization, received an affirmative vote of a majority of employees in the bargaining unit, and the Board having further found that the aforesaid employee organization has fully complied with all regulations of the Public Employment Relations Act and the rules and regulations thereunder,

IT IS HEREBY ORDERED BY THE BOARD that Nesco Education Association should be and hereby is designated and certified by this Board to be the exclusive bargaining representative for the employees of Nesco Community School District a public employer, in the following bargaining unit:

**INCLUDED:** Certificated full-time teachers, certificated librarians, certificated counselors, certificated half-time teachers, certificated term teachers hired for nine months or less but under contract to the district.

**EXCLUDED:** Superintendent, junior-senior high principal and teacher, elementary principal-athletic director and teacher, school nurse, substitute teachers, teachers aides, teacher associates, custodians and custodian-bus drivers, secretaries and board secretary, bus drivers, cooks and lunch assistants, and all other persons excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board

By Edward F. Kolker  
Edward F. Kolker, Chairman