

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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PUBLIC EMPLOYMENT RELATIONS BOARD

FORT MADISON COMMUNITY SCHOOL)	
DISTRICT,)	
Public Employer,)	
)	
and)	CASE NO 6000
)	
FORT MADISON EDUCATION ASSOCIATION,)	
Petitioner)	

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, Code of Iowa (1999) 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

IT IS THEREFORE ORDERED that the bargaining unit previously determined in Case No 73, and amended in Case Nos 1974 and 2605, and the certification of Fort Madison Education Association, is amended to read as follows

INCLUDED: Teachers, guidance counselors, librarians, nurses, special education personnel hired by the Fort Madison Community School District, coordinators, head teachers, curriculum facilitators, core area leaders, and dean of students Also included Employees who have been assigned to work continuously more than one hundred and twenty (120) calendar days (excluding summer vacation) in an assignment, shall be covered by this Master Contract

EXCLUDED: Activities director, non-professional staff secretaries, clerks, teacher associate, food service, bus drivers, maintenance, safety and custodial employees, and substitutes All employees specifically prohibited by the Public Employment Relations Act including but not limited to principals and assistant principals

DATED at Des Moines, Iowa this 5th day of April, 1999

PUBLIC EMPLOYMENT RELATIONS BOARD


RICHARD P MOORE, CHAIR

cc Stuart Yager
Rachella Rung

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PUBLIC EMPLOYMENT RELATIONS BOARD

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

FORT MADISON COMMUNITY SCHOOL DISTRICT,)	
)	
PETITIONER)	
)	
AND)	CASE NO. 2605
)	
FORT MADISON EDUCATION ASSOCIATION,)	
)	
CERTIFIED EMPLOYEE ORGANIZATION)	

RECOMMENDED DECISION AND ORDER

Susan K. Schreurs, Hearing Officer. This case involves a Petition for Amendment of Unit filed by the Fort Madison Community School District [hereinafter District] under Sections 13 and 14 of the Public Employment Relations Act, IOWA CODE Chapter 20 (1983) and 660 IOWA ADMIN. CODE §4.7. The District filed the Petition on November 22, 1983, seeking to exclude substitute teachers from the bargaining unit represented by the Fort Madison Education Association [hereinafter Association].

Hearing on the matter was held on May 17, 1984. On the basis of the record I make the following findings of fact and conclusions of law.

FINDINGS OF FACT

The facts in this case are not in dispute. In PERB Case No. 73, the Public Employment Relations Board [hereinafter Board] certified the Association to represent the following professional bargaining unit in the District:

Classroom teachers, guidance counselors, librarians, nurses, special education personnel hired by the Fort Madison Community School District, department heads, coordinators and head teachers, substitute teachers, and resource teachers.

The current master contract, covering 1982-1984, contains a recognition clause acknowledging the Association as the bargaining representative for the above-described unit.

In November of 1983 a grievance arose concerning seniority for persons classified as substitute teachers. Substitutes are individuals who are on call. There is no evidence that they possess a reasonable expectation of continued employment. Although the grievance was resolved, the issue of the legality of including substitute teachers in the bargaining unit remained.

CONCLUSIONS OF LAW

This case is governed by Cedar Rapids Community School District, 76 PERB 538. There, the Board ruled that substitute teachers were properly excluded from the bargaining unit. In accordance with Cedar Rapids, I find that substitute teachers are properly excluded from the bargaining unit represented by the Association.

Accordingly, I hereby issue the following recommended:

ORDER

IT IS HEREBY ORDERED that the bargaining unit certified in PERB Case No. 73 be amended to exclude substitute teachers.

DONE this 22nd day of May, 1984.


SUSAN K. SCHREURS, HEARING OFFICER

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

_____)
 IN THE MATTER OF.)
)
 FORT MADISON COMMUNITY)
 SCHOOL DISTRICT,)
 Public Employer)
)
 and)
)
 FORT MADISON EDUCATION)
 ASSOCIATION,)
 Certified Employee)
 Organization)
 _____)

CASE NO. 1974
 (Amending Case No 73)

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 a stipulation of bargaining unit excluding the job classification of activities director from the previously determined bargaining unit

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 No 73 and the certification of Fort Madison Education Association in that case be and hereby are amended to read as follows

INCLUDED. classroom teachers, guidance counselors, librarians, nurses, special education personnel hired by the Fort Madison Community School District, department heads, coordinators and head teachers, substitute teachers, and resource teachers

EXCLUDED activities director, non-professional staff secretaries, clerks, teacher aides, teacher associates, cafeteria, bus drivers, maintenance, safety and custodial employees. All employees specifically prohibited by the Public Employment Relations Act including but not limited to principals and assistant principals

DONE by the Public Employment Relations Board this 9th day of June, 1981



 JOHN R. LOIHL, BOARD MEMBER

STATE OF IOWA
PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF

FORT MADISON COMMUNITY SCHOOLS
EMPLOYER

AND

FORT MADISON EDUCATION ASSOCIATION
PETITIONER

Case No 73

ORDER OF CERTIFICATION

Now on this 11th day of June, 1975, the Board being advised that an election was conducted on May 15, 1975, pursuant to order of the Public Employment Relations Board and that Fort Madison 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 Fort Madison Education Association should be and hereby is designated and certified by this Board to be the exclusive bargaining representative for the employees of Fort Madison Community Schools a public employer, in the following bargaining unit

INCLUDED Classroom teachers, Guidance Counselors, Librarians, Nurses, Special Education personnel hired by Fort Madison Community School District, Department Heads, Coordinators and Head teachers, Substitute teachers, and Resource teachers

EXCLUDED Non professional staff secretaries, Clerks, Teacher aides, Teacher associates, Cafeteria, Bus Drivers, Maintenance, Safety and Custodial employees All employees specifically prohibited by the Act including but not limited to, Principals, and Assistant Principals

DONE by the Public Employment Relations Board

By

Edward Skullen