

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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PUBLIC EMPLOYMENT
RELATIONS BOARD

| | | |
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| IN THE MATTER OF: |) | |
| |) | |
| CITY OF OTTUMWA (POLICE), |) | |
| Public Employer, |) | |
| |) | |
| and |) | CASE NO. 6964 |
| |) | |
| TEAMSTERS LOCAL UNION #147, |) | |
| Petitioner/Certified |) | |
| Employee Organization. |) | |

AMENDMENT OF CERTIFICATION

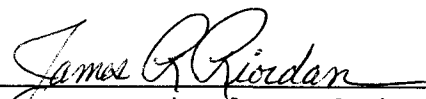
A petition for amendment of certification was duly filed under Rule 4.8 of the Public Employment Relations Board [Board or PERB] Rules. Said petition has been tentatively approved by the Board; a Public Notice of Proposed Decision of Amendment of Certification has been posted in conformance with PERB rules; and no objections have been filed, therefore:

IT IS THEREFORE ORDERED that the certification of Teamsters Local Union #147, issued in Case No. 514, and amended in Case Nos. 1774, 3515, and 3699, is amended to read as follows:

CHAUFFEURS, TEAMSTERS AND HELPERS, LOCAL UNION NO. 238

DATED at Des Moines, Iowa this 10th day of November, 2004.

PUBLIC EMPLOYMENT RELATIONS BOARD



James R. Riordan, Chair

cc: Employer Representative
Mike Stanfill
Gary Dunham

FILED

STATE OF IOWA

OCT 30 1988

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF OTTUMWA,)
 Petitioner,)
)
 and)
)
 OTTUMWA POLICE OFFICER'S ASSOC.,)
 TEAMSTERS LOCAL 147,)
 Respondent.)

CASE NO. 3748

RECOMMENDED DECISION AND ORDER

Dave Knock, Administrative Law Judge. On May 26, 1988 the City of Ottumwa (hereinafter the Employer) filed an amendment of Bargaining Unit petition with the Public Employment Relations Board (hereinafter PERB), seeking to exclude the job classification of Police Sergeant from the bargaining unit for its police department. A hearing was held before me on August 19, 1988 in Ottumwa, Iowa. The City was represented by Renee V. Bokern; the Union by Neil Barrick. Based on the entire record, I make the following findings of fact and conclusions of law.

FINDINGS OF FACT

A bargaining unit for the employees of the Ottumwa Police Department, now represented by the Teamsters, was originally certified in 1976 (PERB Case No. 514). This unit was amended on January 29, 1988 in PERB Case No; 3515 and on May 4, 1988 in PERB Case No. 3699. This unit's composition as of the date of the hearing was follows:

INCLUDED: Patrol Officers, Training Officers, Detectives and Juvenile Officers, and Dispatchers and Police Sergeants.

and possess sufficient authority to be designated as supervisors, within the meaning of Section 4.2 of the Act. This finding is consistent with other PERB decisions in which police officers who act as staff commanders have been found to be supervisory employees.³


ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in PERB Case No. 514, and amended in Case Nos. 3515 and 3699 be further amended as follows:

INCLUDED: Patrol Officers, Training Officers, Detectives and Juvenile Officers, and Dispatchers.

EXCLUDED: Chief of Police, Chief's Secretary, Commander (Assistant Chief of Police), Lieutenant (Captains), Police Sergeants, and all other Police Department and City Employees excluded by Section 4 of the act.

DATED at Des Moines, Iowa, this 20th day of October, 1988.



Dave Knock, Administrative Law Judge

³ See generally, City of Ford Madison, 78 PERB 1214; City of Oskaloosa, 1979 PERB 1273 and 1309; City of Muscatine, PERB 83 2286; and City of Hampton, 86 PERB 3130.

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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|----------------------------|---|---------------|
| CITY OF OTTUMWA, |) | |
| |) | |
| Public Employer/Petitioner |) | |
| |) | |
| and |) | |
| |) | CASE NO. 3699 |
| TEAMSTERS LOCAL 147, |) | |
| |) | |
| 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, and Rule 4.6 of the Public Employment Relations Board's Rules and Regulations,

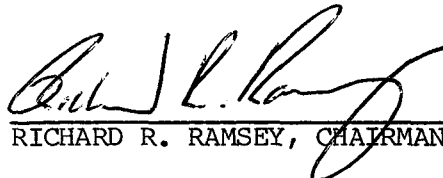
ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 514 and the certification of Teamsters Local 147, is amended to read as follows:

INCLUDED: Patrol Officers, Training Officers, Detectives and Juvenile Officers and Dispatchers, And Police Sergeants.

EXCLUDED: Chief of Police, Chief's Secretary, Commander (Assistant Chief of Police), Lieutenant (Captains), and all other Police Department and City employees excluded by Section 4 of the Act.

Dated at Des Moines, Iowa this 4th day of May, 1988.


RICHARD R. RAMSEY, CHAIRMAN

Copies to:

- Art LeTourneau
- Ron McClain
- Rick Jones
- Renee Bokern

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

| | | |
|---------------------------------|---|---------------|
| CITY OF OTTUMWA, |) | |
| |) | |
| Petitioner |) | |
| |) | |
| and |) | CASE NO. 3515 |
| |) | |
| TEAMSTERS, LOCAL 147, |) | |
| |) | |
| Certified Employee Organization |) | |

RECOMMENDED DECISION AND ORDER

On July 29, 1987, the City of Ottumwa filed an Amendment of Bargaining Unit Petition, seeking to amend the bargaining unit of its police department to exclude the secretary to the Chief of police.

A hearing was held before me on January 21, 1988, in Ottumwa, Iowa. The City was represented by Renee Bokern; the Union by Neil Barrick. Based on the entire record, I make the following findings of fact and conclusions of law.

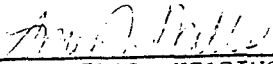
ORDER

The bargaining unit for the Ottumwa police department is amended as follows:

INCLUDED: Assistant Chief of Police, Captains, Sergeants, Patrolmen, Training Officer, Detectives, and Juvenile Officer.

EXCLUDED: Chief of Police, secretary to the Chief of Police, all other police department and City employees and all others excluded by Section 4 of the Act.

DATED at Des Moines, Iowa this 29th day of January, 1988.



AMY J. MILLS, HEARING OFFICER

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

| | | |
|---------------------------------|---|---------------|
| CITY OF OTTUMWA, |) | |
| |) | |
| Petitioner |) | |
| |) | |
| and |) | CASE NO. 3515 |
| |) | |
| TEAMSTERS, LOCAL 147, |) | |
| |) | |
| Certified Employee Organization |) | |

RECOMMENDED DECISION AND ORDER

On July 29, 1987, the City of Ottumwa filed an Amendment of Bargaining Unit Petition, seeking to amend the bargaining unit of its police department to exclude the secretary to the Chief of police.

A hearing was held before me on January 21, 1988, in Ottumwa, Iowa. The City was represented by Renee Bokern; the Union by Neil Barrick. Based on the entire record, I make the following findings of fact and conclusions of law.

FINDINGS OF FACT

The bargaining unit for the employees of the Ottumwa Police Department, now represented by the Teamsters, was certified in 76 PERB 514:

INCLUDED: Assistant Chief of Police, Captains, Sergeants, Patrolmen, Training Officer, Detectives, and Juvenile Officer.

EXCLUDED: Chief of Police and all other police department and City employees and all others excluded by Section 4 of the Act.

In August of 1987, the City hired Ina Hartman as the secretary to the Chief of police, a newly created position. Hartman does all of the Chief's typing, maintains personnel files, internal investigation files, schedules the Chief's

meetings, screens his calls and visitors, and opens all his mail. Only Hartman and the Chief have access to the personnel files, which are kept near Hartman's desk. It is anticipated that Hartman will take notes for the City at future contract negotiations and type related correspondence. Hartman occasionally does some typing for other members of the department, but spends about 70% of her time working directly for the Chief.

Prior to the creation of the secretarial position, the Chief did all confidential typing and filing himself. He answered his own telephone and scheduled his own appointments.

CONCLUSIONS OF LAW

The Public Employment Relations Act, Ch. 20 IOWA CODE (1987) covers all public employees, except those specifically excluded by the Act. The City argues that the secretary of the Chief of police is excluded from coverage of the Act by §§ 20.3(7) and 20.4:

20.4 Exclusions.

The following public employees shall be excluded from the provisions of this chapter:

3. Confidential employees.

* * *

20.3(7) "Confidential employee" means any public employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in negotiating or who works in a close continuing working relationship with public officers or representatives associated with negotiating on behalf of the public employer.

"Confidential employee" also includes the personal secretary of any of the following: ...the administrative officer, director, or chief executive officer of a public employer or major division thereof....

The parties stipulated at hearing that the police chief is the head of a

major division of the City of Ottumwa. The remaining issues are whether the police Chief's secretary is a "personal" secretary, or is otherwise excluded from the Act as a confidential employee.

Hartman is clearly the Chief's personal secretary. She types all of his correspondence, schedules his meetings, screens calls and visitors, and opens his mail. In addition, Hartman has access to the department's personnel files, budget information, internal investigatory records, budget information and other confidential material.

Based on the foregoing, I find that the secretary to the Chief of police is a confidential employee excluded from coverage of the Act.


ORDER

The bargaining unit for the Ottumwa police department is amended as follows:

INCLUDED: Assistant Chief of Police, Captains, Sergeants, Patrolmen, Training Officer, Detectives, and Juvenile Officer.

EXCLUDED: Chief of Police, secretary to the Chief of Police, all other police department and City employees and all others excluded by Section 4 of the Act.

DATED at Des Moines, Iowa this 29th day of January, 1988.



AMY J. MILLS, HEARING OFFICER

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

CITY OF OTTUMWA,
Public Employer

and

OTTUMWA POLICEMEN'S ASSOCIATION,
Certified Employee Organization
and Petitioner

CASE NO. 1774

AMENDMENT OF CERTIFICATION

Upon a petition for amendment of certification 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 amendment of certification.

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

ORDER

IT IS HEREBY ORDERED that the certification of the Ottumwa Policemen's Association previously issued in Case No. 514 be amended to the following: Ottumwa Policemen's Association, Local 147 Teamsters.

DONE by the Public Employment Relations Board this 26th day of September, 1980.


JOHN R. LOIHL, BOARD MEMBER

STATE OF IOWA

PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

CITY OF OTTUMWA,
PUBLIC EMPLOYER

AND

OTTUMWA POLICE OFFICER'S ASSOCIATION,
LOCAL NO. 1,
PETITIONER

CASE NO. 514

ORDER OF CERTIFICATION

NOW on this 22nd day of January, 1976, the Board being advised that an election was conducted pursuant to Order of the Board, and that Ottumwa Police Officer's Association, Local No. 1, 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 Ottumwa Police Officer's Association, Local No. 1, should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for the employees of City of Ottumwa,

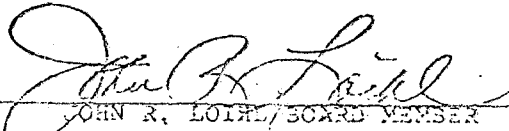
a public employer, in the

following bargaining unit:

INCLUDED: Assistant Chief of Police, Captains, Sergeants, Patrolmen, Training Officer, Detectives, and Juvenile Officer.

EXCLUDED: Chief of Police and all other police department and city employees and all others excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board


JOHN R. LAIRD, BOARD MEMBER