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PUBLIC EMPLOYMENT  
RELATIONS BOARD

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:	)	
	)	
JASPER COUNTY,	)	
Petitioner/Public Employer,	)	
	)	
and	)	CASE NO. 6766
	)	
AFSCME/IOWA COUNCIL 61,	)	
Certified Employee	)	
Organization.	)	
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IN THE MATTER OF:	)	
	)	
JASPER COUNTY,	)	
Petitioner/Public Employer,	)	
	)	
and	)	CASE NO. 6782
	)	
AFSCME/IOWA COUNCIL 61,	)	
Certified Employee	)	
Organization.	)	
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DECISION ON APPEAL

This matter is before us on appeal of a proposed decision and order issued by an administrative law judge (ALJ) of the Public Employment Relations Board (PERB or Board) in which the ALJ proposed dismissal of petitions for clarification and amendment of bargaining unit filed by Jasper County pursuant to Iowa Code section 20.13 and PERB subrules 621-4.6(20) and 4.7(20). In Case No. 6766, the County seeks a clarification as to whether the classification "Assistant Finance Director" is included in a bargaining unit of certain County employees represented by AFSCME/Iowa Council 61. Should PERB determine the classification is included in the unit, the County seeks an amendment of the unit to exclude the classification in Case No. 6782. The cases were consolidated for hearing. The ALJ

The County argues that the AFD is a professional employee and that no election was held in Case No. 6620 to determine whether professionals and nonprofessional employees agreed to be included in the same unit, as required by section 20.13(4). Accordingly, the County argues the unit should be amended to exclude the AFD classification. However, we believe it unnecessary to decide whether or not Keilly is a professional employee, because even if she is, the County has waived its argument as to the alleged improper failure to conduct a "professional/nonprofessional" election in Case No. 6620 by failing to raise the issue at the appropriate time in that case.

Based on the foregoing, we issue the following:

ORDER

Case No. 6766

IT IS HEREBY ORDERED that the bargaining unit is clarified as including the correct title for the job classification at issue, which is "Assistant Finance Director." The unit description is as follows:

INCLUDED: All regular full-time and regular part-time Deputies, Jailers, Dispatchers and Clerks in the Jasper County Sheriff's Department; regular full-time Senior Clerks, Clerks, I.T. Specialists, Secretaries, Maintenance Techs, Mapping Specialist, Assistant Finance Director, Social Worker and Work Release Supervisor employed in the Jasper County Courthouse; regular full-time and regular part-time Head Cook, Asst. Cook, Cook Helper and Site Manager employed in the Congregate Meal Program of Jasper County.

EXCLUDED: Sheriff, Chief Deputy, Chief Dispatcher, Chief Jailer, Chief Clerk, part-time employees and reserves of the Jasper County Sheriff's Department, all elected

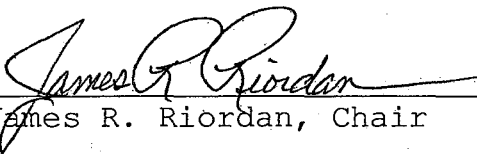
officials, all other Jasper County employees and all persons excluded by Iowa Code section 20.4.

Case No. 6782

IT IS HEREBY ORDERED that the County's petition to amend the above-described bargaining unit is dismissed.

DATED at Des Moines, Iowa, this 18th day of May, 2005.

PUBLIC EMPLOYMENT RELATIONS BOARD

  
James R. Riordan, Chair

  
M. Sue Warner, Board Member

  
Neil A. Barrick, Board Member

Mail copies to: Brian Gruhn  
4089 - 21st Ave., SW, Ste. 114  
Cedar Rapids IA 52404

Michael E. Hansen  
4320 NW Second Ave.  
Des Moines IA 50313

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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IN THE MATTER OF:	)	
	)	
JASPER COUNTY	)	
Public Employer,	)	
	)	
and	)	CASE NO. 6620
	)	
AFSCME/IOWA COUNCIL 61,	)	
Petitioner/Certified	)	
Employee Organization.	)	

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PUBLIC EMPLOYMENT  
RELATIONS BOARD

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AMENDMENT OF BARGAINING UNIT AND CERTIFICATION

Upon a petition for amendment of bargaining unit duly filed pursuant to PERB rule 621-4.6(20), the parties filed with the Board a stipulation of bargaining unit as amended, which was tentatively approved by the Board. A public notice of the Board's proposed decision to amend the bargaining unit in accordance with the parties' stipulation, contingent upon the conduct of a representative certification election among the employees to be added to the unit, was posted in conformance with PERB's rules. No objections to the proposed decision were filed.

A representative certification election having subsequently been conducted among the employees proposed for addition to the unit, and a majority of the valid votes having been cast in favor of their representation by the certified employee organization, the Board finds that an order amending the bargaining unit should be entered.

IT IS THEREFORE ORDERED that the bargaining unit of employees of Jasper County initially determined in PERB Case No. 5045, and the certification of AFSCME/Iowa Council 61, is amended to provide:

INCLUDED: All regular full-time and regular part-time Deputies, Jailers, Dispatchers and Clerks in the Jasper County Sheriff's Department; regular full-time Senior Clerks, Clerks, I.T. Specialists, Secretaries, Maintenance Techs, Mapping Specialist, Finance Budget Specialists, Social Worker and Work Release Supervisor employed in the Jasper County Courthouse; regular full-time and regular part-time Head Cook, Asst. Cook, Cook Helper and Site Manager employed in the Congregate Meal Program of Jasper County.

EXCLUDED: Sheriff, Chief Deputy, Chief Dispatcher, Chief Jailer, Chief Clerk, part-time employees and reserves of the Jasper County Sheriff's Department, all elected officials, all other Jasper County employees and all persons excluded by Iowa Code section 20.4.

Dated at Des Moines, Iowa, the 9th day of June, 2003.

PUBLIC EMPLOYMENT RELATIONS BOARD

By:

  
James R. Riordan, Chair

STATE OF IOWA  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

FILED  
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PUBLIC EMPLOYMENT  
RELATIONS BOARD

JASPER COUNTY,	)	
Public Employer,	)	
	)	
and	)	CASE NO. 5045
	)	
AFSCME, COUNCIL 61,	)	
	)	
Petitioner.	)	

**ORDER OF CERTIFICATION**

The Public Employment Relations Board [Board or PERB] has been advised that an election was conducted pursuant to Order of the Board; that a majority of the ballots were cast for AFSCME, Council 61, an employee organization; that no objections to the election have been filed, and that said employee organization has complied with all requirements of the Public Employment Relations Act, Chapter 20, Iowa Code (1993) and the Rules thereunder:

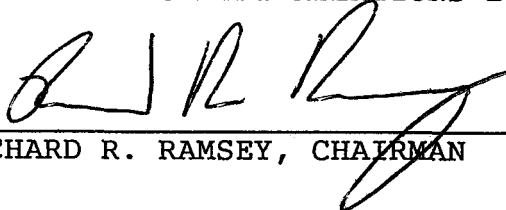
**IT IS HEREBY ORDERED** that AFSCME, Council 61, should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for employees of Jasper County, public employer, in the following bargaining unit:

**INCLUDED:** All regular full-time deputies, jailers, dispatchers and clerks.

**EXCLUDED:** Sheriff, Chief Deputy, Chief Dispatcher, Chief Jailer, Chief Clerk and part-time employees, reserves and all others excluded by section 4 of the Act.

DATED at Des Moines, Iowa this 9th day of May, 1994.

PUBLIC EMPLOYMENT RELATIONS BOARD



RICHARD R. RAMSEY, CHAIRMAN

cc: Jack Lipovac  
R.A. Caraway