

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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RELATIONS BOARD

SCOTT COUNTY,)	
Public Employer,)	
)	
and)	CASE NO 5668
)	
SCOTT COUNTY CORRECTIONS AND)	
COMMUNICATIONS ASSOCIATION/)	
TEAMSTERS #238,)	
Certified Employee)	
Organization/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, Iowa Code (1997) 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 and deletes the position of Transportation Officer from the existing list of positions specifically included in the bargaining unit, and adds the position of Transportation Officer to the existing list of positions specifically excluded from the bargaining unit, a Public Notice of Proposed Decision of Amendment of Bargaining Unit was posted in conformance with PERB Rules, and no objections were filed, therefore

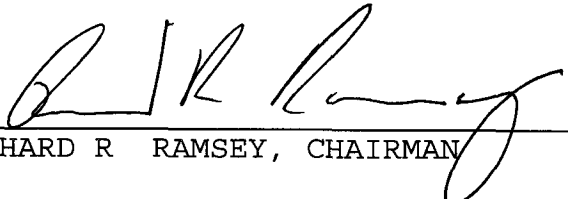
IT IS THEREFORE ORDERED that the bargaining unit previously determined in Case No 5405, and amended in Case Nos 1562, 1572, 2135, 2276, 3105, 3924 and 4208, and the certification of Teamsters #238, is amended to read as follows

INCLUDED: All employees of the Scott County Sheriff's Department in the following job classifications Correction Officer, Correction Officer Trainee, Jail Custodian, Custodial Worker and Cook

EXCLUDED: Correction Supervisor, Chief Telecommunicator, Telecommunicator, Telecommunicator Trainee, Food Service Manager, Correction Officer/Inmate Advisor, Transportation Officer and all other employees of the Scott County Sheriff's Department and of Scott County

DATED at Des Moines, Iowa this 20th day of March, 1997

PUBLIC EMPLOYMENT RELATIONS BOARD



RICHARD R RAMSEY, CHAIRMAN

cc Lisa Charnitz
Gary Dunham

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

SCOTT COUNTY,)	55 DEC 14 AM 9 49
Public Employer,)	
)	
and)	CASE NO 5405
)	RELATIONS BOARD
)	
SCOTT COUNTY CORRECTIONS AND)	
COMMUNICATIONS ASSOCIATION/)	
TEAMSTERS #238,)	
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, Iowa Code (1995) 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 and deletes the positions of Telecommunicator, Telecommunicator Trainee from the existing list of positions specifically included in the bargaining unit, a Public Notice of Proposed Decision of Amendment of Bargaining Unit was posted in conformance with PERB Rules, and no objections were filed, therefore

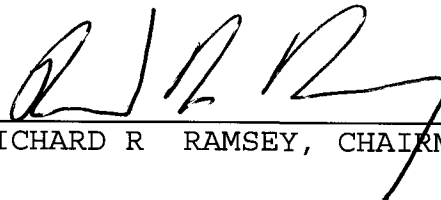
IT IS THEREFORE ORDERED that the bargaining unit previously determined in Case No 1562 and amended in Case Nos 1572, 2135, 2276, 3105, 3924 and 4208, and the certification of Case No 4208, is amended to read as follows

INCLUDED: All employees of the Scott County Sheriff's Department in the following job classifications Correction Officer, Correction Officer Trainee, Transportation Officer, Jail Custodian, Custodial Worker and Cook

EXCLUDED: Correction Supervisor, Chief Telecommunicator, Telecommunicator, Telecommunicator Trainee, Food Service Manager, Correction Officer/Inmate Advisor and all other employees of the Scott County Sheriff's Department and of Scott County

DATED at Des Moines, Iowa this 14th day of December, 1995

PUBLIC EMPLOYMENT RELATIONS BOARD



RICHARD R RAMSEY, CHAIRMAN

cc Neil Barrick
Dave Whan
Gary Dunham

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

SCOTT COUNTY,
Public Employer/Petitioner,

and

SCOTT COUNTY CORRECTIONS AND
COMMUNICATIONS ASS'N/TEAMSTERS #238
Certified Employee
Organization.

CASE NO. 4208

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 [Board] Rules, the parties filed with the Board a Stipulation of Bargaining Unit.


Said Stipulation having been tentatively approved by the Board and posted in conformance with the Board's Rules and no objections having been filed thereto:

IT IS HEREBY ORDERED that the bargaining unit previously determined in Cases No. 1562 and 1572 and amended in Cases No. 2276, 2135, 2134 and 2133, and the certification of the Scott County Corrections and Communications Association/Teamsters Local #238, is amended to read as follows:

INCLUDED: All employees of the Scott County Sheriff's Department in the following job classifications: Correction Officer, Correction Officer Trainee, Telecommunicator, Telecommunicator Trainee, Transportation Officer, Jail Custodian, Custodial Worker and Cook.

EXCLUDED: Correction Supervisor, Chief Telecommunicator, Food Service Manager, Correction Officer/Inmate Advisor and all other employees of the Scott County Sheriff's Department and of Scott County.

DATED at Des Moines, Iowa this 12th day of May, 1990.


RICHARD R. RAMSEY, CHAIRMAN

cc: Linda DeDoncker
Gary Dunham

STATE OF IOWA

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BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

PUBLIC EMPLOYMENT
RELATIONS BOARD

SCOTT COUNTY,)
)
 Public Employer/Petitioner,)
)
 and)
)
 TEAMSTERS LOCAL NO. 238,)
)
 Certified Employee Organization.)

CASE NO. 3924

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. 2276 and the certification of the Teamsters Local No. 238 is amended to read as follows:

INCLUDED: All employees of the Scott County Sheriff's Department in the classifications of Correction Officer, Correction Officer Trainee, Correction Officer/Inmate Advisor, Telecommunicator, Telecommunicator Trainee, Transportation Officer, Jail Custodian, Custodial Worker, and Cook.

EXCLUDED: Correction Supervisor, Chief Telecommunicator, Food Service Manager, and all other employees of the Scott County Sheriff's Department and of Scott County.

DATED at Des Moines, Iowa this 1st day of March, 1989.


 RICHARD R. RAMSEY, CHAIRMAN

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

SCOTT COUNTY)	
)	
Public Employer,)	
)	
and)	CASE NO. 3105
)	
CHAUFFEURS, TEAMSTERS & HELPERS, LOCAL)	
UNION NO. 238,)	
)	
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, 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 bargaining unit.


ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 2276 and the certification of Chauffeurs, Teamsters & Helpers, Local Union No. 238, is amended to read as follows:

INCLUDED: All employees of the Scott County Sheriff's Department in the job classifications of Correction Officer, Correction Officer (Trainee), Correction Officer/Activity Coordinator, Food Service Manager, Cook, Detention Center Custodian, Custodial Worker, Telecommunications Operator, Telecommunications Operator (Trainee), and Transportation Officer.

EXCLUDED: Chief Jailer, Jail Administrator, Chief Correction Supervisor, Correction (Shift) Supervisors, all Sheriff's Deputies, Jail Secretary, all other employees of Scott County, elected officials and others excluded by the Act.

DATED at Des Moines, Iowa this 24th day of February, 1986.


 JAMES A. McCLIMON, BOARD MEMBER

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

SCOTT COUNTY BOARD OF SUPERVISORS,)	
)	
PUBLIC EMPLOYER/PETITIONER)	
)	
AND)	CASE NO. 2276
)	
SCOTT COUNTY CORRECTIONAL ASSOCIATION,)	
CHAUFFEURS, TEAMSTERS & HELPERS LOCAL)	
UNION NO. 238,)	
)	
PETITIONER/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, Iowa Code §20.13, (1981), and 660 Iowa Admin. Code §4.6(20), the parties waived hearing and filed with the Public Employment Relations Board a stipulation of bargaining unit amending a previously determined bargaining unit.

Said stipulation having been tentatively approved by the Board and posted in conformance with the Board's Rules and Regulations, no objections having been filed thereto and the Board having no objections.

ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case Nos. 1562 & 1572 and amended in Case Nos. 2133, 2134 & 2135, and the certification of Scott County Correctional Association/Chauffeurs, Teamsters & Helpers Local Union No. 238 entered in this amended term in Case No. 1860 and further amended in Case Nos. 2133, 2134 & 2135 be, and hereby is, amended to read as follows.

INCLUDED All employees of the Scott County jail including correctional officers I and II all telecommunications operations including trainees, counselor/correctional officers, food service manager, cooks and transportation officers.

EXCLUDED Chief Jailer, jail administrator, chief correctional officer, lead correctional officer (shift supervisors), all sheriffs deputies, secretary, custodians and all other employees of the County, elected officials and other excluded by the Act.

DONE by the Public Employment Relations Board this 9th day of November,
1982.



JOHN E. BEAMER, CHAIRMAN

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

FILED
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PUBLIC EMPLOYMENT RELATIONS BOARD

SCOTT COUNTY,)	
)	
Public Employer,)	
)	
and)	
)	CASE NOS. 2133, 2134, 2135
CHAUFFEURS, TEAMSTERS &)	
HELPERS, LOCAL UNION NO. 238,)	
)	
Certified Employee)	
Organization)	

DECISION ON APPEAL

This case came on for hearing before the Public Employment Relations Board (hereinafter referred to as the Board) on July 19, 1982, on an appeal filed by the Chauffeurs, Teamsters & Helpers, Local Union No. 238 (hereinafter the Union). The Union seeks reversal of a recommended decision and order of Hearing Officer Ronald Hoh. In that decision, the Hearing Officer concluded that lead correctional officers (shift supervisors) were supervisory employees as defined in Section 4.2 of the Public Employment Relations Act (hereinafter the Act).^{1/}

Prior to hearing, Case Nos. 2133 and 2134 were settled by the parties. At hearing on Case No. 2135, the Union was represented by Neil Barrick, and Scott County (hereinafter the Employer) by William McCarthy.

The Union contends that the following constitutes an appropriate unit for purposes of collective bargaining:

INCLUDED: All employees of the Scott County jail including jail attendants, cooks, food servicers, correction counselors, lead correctional officers, transportation officers, and county

^{1/} In its Petition, the Union refers to the classification as "lead correctional officers" while the Employer has characterized the position as "shift supervisor". For purpose of identification only, the Board will refer to the classification as set forth in the Petition.

communication workers (radio operators and telephone dispatchers) whose work station is presently within the jail.

EXCLUDED: Chief Jailer, Assistant Chief Jailer, secretary, custodians, and all other employees excluded by Section 4 of the Act.

FINDINGS OF FACT

The Board has considered the record, the findings of the Hearing Officer, and the briefs and arguments of the parties. On appeal, the Employer questioned the findings of the Hearing Officer that lead correctional officers have not been delegated the authority to settle grievances even when they are clearly meritorious in nature. In support of its position, the Employer cites the job description for this position which does indicate that the authority for resolving grievances at the first step is with the lead correctional officer (shift supervisor). However, the record supports the findings of the Hearing Officer. According to the testimony of the Employer's own witness, the practice in effect is for the officer to merely investigate the grievance and forward the result to the second step of the grievance process.

On the basis of the entire record, we adopt and affirm the Findings of Fact by the Hearing Officer.

CONCLUSIONS OF LAW

Having affirmed the Hearing Officer's Findings of Fact, it is necessary to examine these facts in light of the statutory requirements of Section 4.2 of the Act which defines "supervisory employee" as follows:

Supervisory employee means any individual having authority in the interest of the public employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other public employees, or the responsibility to direct them, or to adjust their grievances, if in connection with the foregoing exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

The Union argues that the lead correctional officer functions as a 'leadman', a position that has been determined to be non-supervisory in nature by this Board and the Iowa Supreme Court in cases cited by the Hearing Officer. However, as the Hearing Officer states and the record indicates, the lead correctional officer possesses and exercises supervisory authority. He is in charge of the employees on his shift, assigns and re-assigns employees between jobs on a shift, calls in replacements, determines manpower needs, and exercises other personnel functions without the prior approval of his supervisors.

The record supports the Hearing Officer's conclusion that the officers exercise independent judgment in the performance of their duties. Thus, they cannot come within the Iowa Supreme Court's description of "leadmen as a class of employees that exercise more responsibility than rank and file employees, but do not possess or exercise sufficient independent judgement in their leadership to be accorded supervisory status."^{2/} Thus, the evidence, considered in light of the total record, supports the conclusion of the Hearing Officer that correctional officers are supervisory employees within the meaning of Section 4.2 of the Act.


ORDER

On the basis of the foregoing Findings of Fact and Conclusions of Law, it is the decision of the Board that lead correctional officers are supervisory employees with the meaning of Section 4.2 of the Act. The Hearing Officer's decision is upheld and the appeal is dismissed.

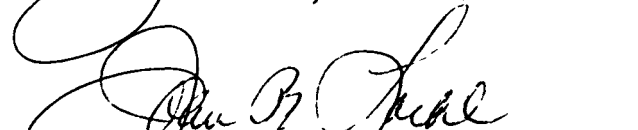
^{2/} City of Davenport, 264 N. W. 2d 307 (Iowa 1978).

Dated at Des Moines, Iowa this 23th day of August, 1982.

PUBLIC EMPLOYMENT RELATIONS BOARD



JOHN E. BEAMER, CHAIRMAN



JOHN R. LOIHL, BOARD MEMBER



PETER L. J. PASHER, BOARD MEMBER

IN THE MATTER OF:

SCOTT COUNTY CORRECTIONS AND COMMUNICATIONS
ASSOCIATION, CHAUFFEURS, TEAMSTERS &
HELPERS, LOCAL UNION NO. 238,
Certified Employee Organization,

and

SCOTT COUNTY, IOWA,
Public Employer.

CASE NO. 1860

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 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 Scott County Corrections and Communications Association, PERB Case Nos. 1562 & 1572 be amended to read Scott County Corrections and Communications Association Chauffeurs, Teamsters & Helpers, Local Union No. 238

DONE by the Public Employment Relations Board this 21st day of October, 1981.


JOHN R LOIHL, BOARD MEMBER

STATE OF IOWA
PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:
SCOTT COUNTY,
Public Employer
and
SCOTT COUNTY CORRECTIONAL ASSOCIATION,
Petitioner

CASE NO. 1562 & 1572

ORDER OF CERTIFICATION

NOW, on this 4th day of March, 1980, the Board being advised that an election was conducted pursuant to Order of the Board, and that a majority of the ballots were cast for Scott County Correctional Association, an employee organization, and the Board being further advised that said employee organization has complied with all requirements of the Act and the rules and regulations thereunder;

IT IS HEREBY ORDERED that Scott County Correctional Association, should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for the employees of Scott County, a public employer, in the following bargaining unit:

INCLUDED: All employees of the Scott County jail including jail attendants, cooks and county communications workers (radio operators and telephone dispatchers) whose work station is presently with the jail.

EXCLUDED: Chief Jailer, Assistant Chief Jailer, secretary, custodians and all other employees excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board


JOHN R. LOIHL, BOARD MEMBER