

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF	)	
	)	
SOUTHEAST IOWA REGIONAL PLANNING	)	
COMMISSION	)	
Public Employer	)	
	)	
and	)	CASE NO. 8132
	)	
CHAUFFEURS, TEAMSTERS AND HELPERS,	)	
LOCAL UNION NO. 238	)	
Petitioner/Certified	)	
Employee Organization	)	
	)	

SEP 22 PM 2:20
PUBLIC EMPLOYMENT
RELATIONS BOARD

PROPOSED DECISION AND ORDER

Statement of the Case

This case concerns an amendment of bargaining unit petition filed by Chauffeurs, Teamsters and Helpers, Local Union No. 238 (Union). The Union seeks to amend an existing bargaining unit represented by the Union to include the job classification of transit operations manager. Southeast Iowa Regional Planning Commission (Commission) contends that the transit operations manager should be excluded from the bargaining unit by section 4.2 of the Public Employment Relations Act (Act).

A public hearing was held on June 24, 2009, at which the Commission and Union were provided a full opportunity to present written evidence and testimony. Post-hearing briefs were received on July 20, 2009.

is a manager under the Act would require a broad and not a narrow view of Huebner's actual job duties and responsibilities, which establish that Huebner provides a supportive role to other Commission personnel who have the authority to make, implement, and change Commission policy. Therefore, Gerald Huebner is not a representative of a public employer within the meaning of section 4.2 of the Act.

Based on the foregoing, the following is issued:

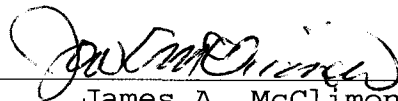
ORDER

The bargaining unit represented by Chauffeurs, Teamsters and Helpers, Local Union No. 238, originally certified in Board Case No. 8026 and subsequently amended in Board Case No. 8120 is amended to read as follows:

INCLUDED: All full-time and part-time bus, van drivers, and transit operations manager of the Southeast Iowa Regional Planning Commission, SEIBUS.

EXCLUDED: All elected officials, supervisors, schedulers, confidential employees, and any others excluded by Iowa Code section 20.4.

DATED at Des Moines, Iowa, this 22nd day of September, 2009.



James A. McClimon
Administrative Law Judge

cc: Kelly R. Baier
Jill M. Hartley

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:	)	
	)	
SOUTHEAST IOWA REGIONAL PLANNING	)	
COMMISSION,	)	
Petitioner/Public Employer,	)	
	)	
and	)	CASE NO. 8120
	)	
CHAUFFEURS, TEAMSTERS AND HELPERS	)	
LOCAL UNION 238,	)	
Certified Employee	)	
Organization.	)	

2009 APR 27 AM 10:02
PUBLIC EMPLOYMENT
RELATIONS BOARD

AMENDMENT OF BARGAINING UNIT AND CERTIFICATION

Upon a petition for amendment of bargaining unit duly filed pursuant to Iowa Code section 20.13 and 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 was posted in conformance with PERB's rules, and no objections to the proposed decision were filed.

IT IS THEREFORE ORDERED that the bargaining unit initially determined in PERB Case No. 8026, and the certification of Chauffeurs, Teamsters and Helpers Local Union 238, is amended to provide:

INCLUDED: All full-time and part-time bus and van drivers of the Southeast Iowa Regional Planning Commission, SEIBUS.

EXCLUDED: All elected officials, supervisors, schedulers, confidential employees, and any others excluded by Iowa Code section 20.4.

Dated at Des Moines, Iowa, this 27th day of April, 2009.

PUBLIC EMPLOYMENT RELATIONS BOARD

By:



Neil A. Barrick, Board Member

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

SOUTHEAST IOWA REGIONAL PLANNING
COMMISSION,

Public Employer,

and

CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL
UNION 238,

Petitioner.

CASE NO. 8026

PUBLIC EMPLOYMENT
RELATIONS BOARD

2008 OCT 10 AM 9:48

RECEIVED

ORDER OF CERTIFICATION

Upon a petition duly filed in accordance with Iowa Code section 20.14 and PERB rule, a representative certification election was conducted herein under the direction and supervision of the Board. The Board, having subsequently reviewed the file and being fully advised in the premises, finds that a majority of the valid ballots were cast in favor of the affected bargaining unit's representation by Chauffeurs, Teamsters and Helpers Local Union 238, that no objections to the election were filed as provided for in Iowa Code section 20.15 and PERB rule, and that the employee organization has complied with the relevant requirements of Iowa Code section 20.25.

IT IS THEREFORE ORDERED that Chauffeurs, Teamsters and Helpers Local Union 238 is hereby designated and certified as the exclusive bargaining representative of the following bargaining unit of employees of the Southeast Iowa Regional Planning Commission:

INCLUDED: All full-time and part-time bus and van drivers and dispatchers of the Southeast Iowa Regional Planning Commission, SEIBUS.

EXCLUDED: All elected officials, supervisors, confidential employees and any others excluded by the Act.

Dated at Des Moines, Iowa, this 10th day of October, 2008.

PUBLIC EMPLOYMENT RELATIONS BOARD

By:



Neil A. Barrick, Board Member

Original filed.

Copies to: Brian Tapp
Southeast Iowa Regional Planning Commission
200 Front St. Suite 400
Burlington, IA 52601

Kelly Baier
Bradley & Riley
2007 First Avenue SE
PO Box 2804
Cedar Rapids, IA 52406-2804

Kim Wilson
Teamsters #238
16452 Highway 34
West Burlington, IA 52655