

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

PUBLIC
RELATIONS
BOARD

CITY OF CRESCO,)	
Public Employer/Petitioner,)	
)	
and)	CASE NO. 5905
)	
LOCAL 1068, AMERICAN FEDERATION OF)	
STATE, COUNTY AND MUNICIPAL EMPLOYEES,)	
AFL-CIO,)	
Certified Employee Organization.)	

DECISION ON APPEAL

This case is before the Public Employment Relations Board (PERB or Board) on appeal of a Proposed Decision and Order issued by an administrative law judge (ALJ). This matter involves a petition for amendment of bargaining unit filed by the City of Cresco pursuant to PERB rule 621-4.6, seeking to exclude the Assistant chief of Police from a bargaining unit represented by Local 1068, American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), based on his alleged supervisory status. In his proposed decision, the ALJ determined that the Assistant Chief is not a supervisor within the meaning of Iowa Code section 20.4(2) and is appropriately included in the unit. The City appealed this decision to the full Board.

Pursuant to PERB subrule 621-9.2(3), we have heard the case upon the record submitted before the ALJ.

Oral arguments on appeal were presented to the Board on February 10, 1999 by representatives of the parties--Renee Von Bokern for the City and Tom Anthony for AFSCME. The City filed a brief on appeal.

ORDER

IT IS HEREBY ORDERED that the bargaining unit description and AFSCME certification issued in PERB Case No. 918 is amended to read:

INCLUDED: Assistant Superintendent, Sewage Treatment Plant; Assistant chief of Police; Patrol Officer; Certified Sewage Treatment Plant Operator; Assistant Superintendent of Streets; Street Maintenance Worker; Certified Water Plant Operator; Assistant Water Superintendent and Police Sergeant.

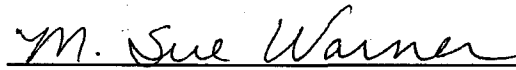
EXCLUDED: Director of Public Works; Superintendent of Water Works; Superintendent of Sewage Treatment Plant; Street Commissioner; City Clerk; Assistant City Clerk; Chief of Police; Fire Chief; Volunteer Firefighters, and all those excluded by Section 4 of the Act.

DATED at Des Moines, Iowa, this 30th day of July, 1999.

PUBLIC EMPLOYMENT RELATIONS BOARD



Richard P. Moore, Chair



M. Sue Warner, Board Member

STATE OF IOWA
PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:)

CITY OF CRESCO,)

Public Employer)

and)

AMERICAN FEDERATION OF STATE, COUNTY)
AND MUNICIPAL EMPLOYEES, (AFSCME),)
LOCAL NO. 1068,)

Petitioner)

CASE NO. 918

ORDER OF CERTIFICATION

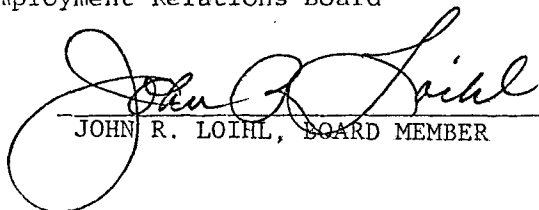
NOW, on this 3rd day of October, 1977, the Board being advised that an election was conducted pursuant to Order of the Board, and that a majority of the ballots were cast for AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 1068, an employee organization; and the Board being further advised that said employee organization has complied with all requirements of the Act and the rules and regulations thereunder;

IT IS HEREBY ORDERED that AFSCME Local No. 1068 should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for the employees of the CITY OF CRESCO, a public employer, in the following bargaining unit:

INCLUDED: Assistant superintendent, sewage treatment plant; patrolmen; radio operator; certified sewage treatment plant operator; assistant superintendent of streets; street maintenance worker; certified water plant operator; and police sergeant.

EXCLUDED: Director of public works, superintendent of water works, superintendent of sewage treatment plant, street commissioner, chief radio dispatcher, city clerk, assistant city clerk, chief of police, fire chief, volunteer firemen and all those excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board



JOHN R. LOHRL, BOARD MEMBER