

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

MT. PLEASANT MUNICIPAL UTILITIES,)	
)	
Public Employer/Objector,)	
)	
and)	CASE NO. 4516
)	
IBEW, LOCAL UNION NO. 55,)	
)	
Employee organization/)	
Election Petitioner.)	

RULING ON OBJECTIONS TO ELECTION

This matter is before the Public Employment Relations Board (PERB or Board) on appeal by the Mt. Pleasant Municipal Utilities (Employer) from a proposed decision and order issued by a PERB Administrative Law Judge (ALJ) on November 15, 1991, in which the ALJ recommended dismissal of objections filed by the Employer to a representation election conducted by PERB pursuant to an election petition filed by IBEW, Local Union No. 55 (Union).

Pursuant to PERB Rule 9.2, we have heard this case upon the record submitted before the ALJ. Oral arguments were presented to the Board via telephone conference call on December 16, 1991, by Ronald C. Henson, attorney for the Employer, and Joseph E. Day, attorney for the Union. Both parties filed briefs on appeal. Following oral arguments, both parties submitted additional written arguments on December 20, 1991, concerning pending motions.

Pursuant to Iowa Code §17A.15(3), on this review we possess all powers which we would have had had we elected, pursuant to PERB rule 2.1, to preside at the evidentiary hearing in the place of the ALJ.

expenses incurred because of its filing, including attorney fees, and any such other sanctions we deem appropriate.

We think it is doubtful that Ia.R.Civ.P. 80(a) applies here, since it is well settled that administrative agencies "have only such authority as is specifically conferred upon them by the legislature or necessarily inferred from the statutes which created them." Iowa Power and Light Co. v. ISCC, 410 N.W.2d 236 (Iowa 1987); AEA 7, 90 PERB 4250. Even if such authority had been shown, we believe that insufficient evidence has been presented to support the imposition of sanctions in this case. Accordingly, the Union's Motion for Sanctions is denied.

Based on all of the foregoing, we issue the following order:

IT IS THEREFORE ORDERED that the Employer's objections to election are overruled.

IT IS FURTHER ORDERED that the International Brotherhood of Electrical Workers, Local 55,¹ is certified as the exclusive bargaining representative for the employees of the Mt. Pleasant Municipal Utilities in the following-described bargaining unit:

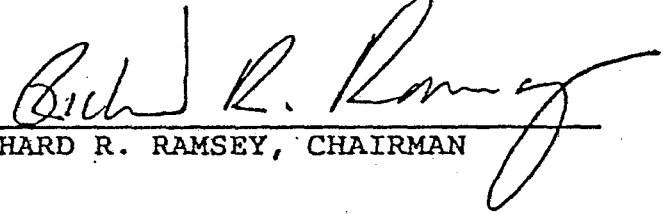
INCLUDED: Water Treatment Operator, Operator, Operator and Maintenance, Operator/Chemical Operator, Trouble Shooter/Water Treatment Operator, Water Crew, Groundsman, Backhoe Operator Trainee, Backhoe Operator, Utility Advisor, Lineman, Office Clerk, Collection Officer, Meter Reader and Custodian.

EXCLUDED: Purchasing Agent, Utilities Manager and any other persons excluded by section 4 of the Act.

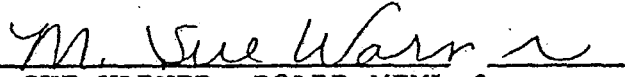
¹Official notice has been taken of the Union's Registration Report, Annual Report, Constitution and By-laws on file with the Board, all of which comply with requirements of the Act and Board rules.

DATED at Des Moines, Iowa this 24th day of December, 1991.

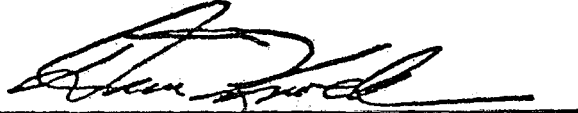
PUBLIC EMPLOYMENT RELATIONS BOARD



RICHARD R. RAMSEY, CHAIRMAN



M. SUE WARNER, BOARD MEMBER



DAVE KNOCK, BOARD MEMBER

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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MT. PLEASANT MUNICIPAL UTILITIES,)
Public Employer,)
and)
AFSCME, IOWA COUNCIL 61,)
Petitioner.)

CASE NO. 3991

NOW, on this 11th day of September, 1989, the Board being advised that an election was conducted pursuant to Order of the Board, and that a majority of the voters have not voted for AFSCME, Iowa Council 61, as their exclusive bargaining representative;

IT IS HEREBY ORDERED that AFSCME, Iowa Council 61 is not designated and is not certified by this Board to be the exclusive bargaining representative for employees of Mt. Pleasant Municipal Utilities, a public employer, in the following bargaining unit:

INCLUDED: Water Treatment Operator, Operator, Operator and Maintenance, Operator/Chemical Operator, Trouble Shooter/Water Treatment Operator, Water Crew, Groundsman, Backhoe Operator Trainee, Backhoe Operator, Lineman, Line Foreman, Assistant Line Foreman, Office Clerk, Collection Officer, Meter Reader and Custodian.

EXCLUDED: Purchasing Agent, Utilities Manager and any other persons excluded by Section 4 of the Act.

IT IS FURTHER ORDERED that the Board shall not conduct a representation election for this Petitioner during the one year period following the date of noncertification subsequent to this valid representation election.

DONE by the Public Employment Relations Board.

PUBLIC EMPLOYMENT RELATIONS BOARD



RICHARD R. RAMSEY, CHAIRMAN

Copies to: Brian Beem
Mark Edwards
Dan Varner
R.A. Caraway