

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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PUBLIC EMPLOYMENT
RELATIONS BOARD

IN THE MATTER OF:)	
)	
MUSCATINE POWER AND WATER,)	
Public Employer,)	
)	
and)	CASE NO. 7913
)	
INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS, LOCAL 55)	
Petitioner/Certified)	
Employee Organization.)	

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. 71 and the amendment of certification in PERB Case No. 2239 of the International Brotherhood of Electrical Workers, Local 55, is amended to provide:

INCLUDED: All construction, maintenance, production, repair and service employees of the employer defined as follows: serviceman, senior serviceman, meter tester repairman-electric, meter tester repairman-water, meter readers, senior meter reader, tree trimmers, tree trimmer foreman, lineman, underground lineman, underground lineman foreman, sub-station electrician, senior sub-station electrician, store keepers, janitors, maintenanceman, relief maintenance helpers, machinist, certified welder, lab technician, electro-mechanical technician, yard equipment operator, assistant fuel supply foreman, auxiliary operators, relief auxiliary operators, boiler/turbine equipment operators, relief equipment operators, systems operators, utility personnel, dispatcher, construction helper, construction worker, construction foreman, senior construction foreman, water production operator, senior water production operator, property maintenance person, mechanics helper, equipment mechanic, master mechanic, and all apprentices in the above classifications and all physical workers.

EXCLUDED: Administrative employees, clerical workers, supervisory and confidential employees, and all other employees as defined in Section 4 of the Act.

Dated at Des Moines, Iowa, this 10th day of October, 2007.

PUBLIC EMPLOYMENT RELATIONS BOARD

By: 
James R. Riordan, Chair

Copies to: Mike Galloway
Matt Glasson/Nate Wollums
Sandy Opstvedt

STATE OF IOWA
 BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

MUSCATINE POWER AND WATER PLANT,)	
)	
Public Employer,)	
)	
and)	CASE NO. 2239
)	
LOCAL UNION NO. 55, IBEW,)	
)	
Certified Employee Organization.)	

CERTIFICATION OF RESULTS

An election having been conducted under the supervision and direction of the Public Employment Relations Board in accordance with the Rules and Regulations of the Board, and it appearing from the Tally of Ballots that no majority of ballots were cast for the amendment of unit to include the position of "instrument and controls technician", and no objections to the election having been filed within the time provided, therefore:

IT IS HEREBY CERTIFIED that a majority of the employees voting have not cast ballots for the amendment of unit to include the position of "instrument and controls technician" in this election, and that, therefore, no such amendment of unit shall be made.

DATED at Des Moines, Iowa this 26th day of January, 1983.



 JOHN R. LOIHL, BOARD MEMBER

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

FILED
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PUBLIC EMPLOYMENT RELATIONS BOARD

LOCAL No. 55, IBEW,)	
)	
Petitioner)	
)	
and)	CASE NO. 2239
)	
MUSCATINE POWER AND WATER,)	
)	
Public Employer)	

RECOMMENDED DECISION AND INTERIM ORDER

FINDINGS OF FACT

Susan K. Schreurs, Hearing Officer. A hearing was held before me on September 23, 1982 at Muscatine, Iowa pursuant to a petition for amendment of unit filed by Local No. 55, IBEW [hereafter the Union]. The petition, filed under Section 13 of the Public Employment Relations Act, Chapter 20, The Code (1981) and Rule 660-4.6(20), IAC, seeks the addition of certain positions into the bargaining unit represented by the Union. At hearing the parties stipulated that the following was an appropriate unit:

INCLUDED: All construction, maintenance, production, repair and service employees of the employer, defined as follows: serviceman, senior serviceman, meter tester repairman-electric, meter tester repairman-water, meter readers, senior meter reader, tree trimmers, tree trimmer foreman, lineman, underground lineman, underground lineman foreman, sub-station electrician, store keepers, janitors, maintenanceman, relief maintenance helpers, machinist, certified welder, lab technician, instrument and controls technician, electro-mechanical technician, yard equipment operator, assistant fuel supply foreman, auxiliary operators, relief auxiliary operators, boiler/turbine equipment operators, relief equipment operators, systems operators, utility personnel, dispatcher, construction helper, construction worker construction foreman, senior construction foreman, water production operator, senior water production operator, property maintenance person, mechanics helper, equipment mechanic, master mechanic, and all apprentices in the above classifications and all physical workers.

EXCLUDED: Administrative employees, clerical workers, supervisory and confidential employees, and all other employees as defined in Section 4 of the Act.

The Union and Muscatine Power and Water, the public employer, agreed that the addition of all of the positions stipulated to be amended into the unit, except for the position of instrument and controls technician do not raise a question concerning representation. The parties do not agree whether the addition of the position instrumental and controls technician raises a question concerning representation.

CONCLUSIONS OF LAW

I have no objection to the stipulation of the proposed bargaining unit and conclude that the unit described is appropriate under Section 20.13, The Code (1982). In addition, I find that no question of representation exists with respect to the addition of all stipulated positions, but make no conclusion with respect to the position of instrument and controls technician. Rule 660-4.6(3)(20), IAC requires that where a question of representation exists a representation election must be conducted. Since no question of representation is present for all of the new positions save potentially one, no election is required in order to amend these positions into the bargaining unit. However, an election must be ordered if it is determined that a question concerning representation exists for the position instrument and controls technician. The parties presently have on file with the Public Employment Relations Board a petition for declaratory ruling on this matter, PERB Case No. 2237. Upon issuance of a decision from the Board, it will be determined whether a representation election must be conducted for this position.

ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in PERB Case Number 71 be amended to read as follows:

INCLUDED: All construction, maintenance, production, repair and service employees of the employer, defined as follows: service-

man, senior serviceman, meter tester repairman-electric, meter tester repairman-water, meter readers, senior meter reader, tree trimmers, tree trimmer foreman, lineman, underground lineman, underground lineman foreman, sub-station electrician, store keepers, janitors, maintenanceman, relief maintenance helpers, machinist, certified welder, lab technician, electro-mechanical technician, yard equipment operator, assistant fuel supply foreman, auxiliary operators, relief auxiliary operators, boiler/turbine equipment operators, relief equipment operators, systems operators, utility personnel, dispatcher, construction helper, construction worker, construction foreman, senior construction foreman, water production operator, senior water production operator, property maintenance person, mechanics helper, equipment mechanic, master mechanic, and all apprentices in the above classifications and all physical workers.

EXCLUDED: Administrative employees, clerical workers, supervisory and confidential employees, and all other employees as defined in Section 4 of the Act.

Determination of the amendment into the unit of the instrument and controls technician position shall be made upon issuance of the Board's decision in Case No. 2237.

DATED in Des Moines, Iowa this 19th day of October, 1982.



SUSAN K. SCHREURS, HEARING OFFICER

STATE OF IOWA
 BEFORE THE
 PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:)	
MUSCATINE POWER AND WATER,)	
PUBLIC EMPLOYER)	
AND)	CASE NO. 71
INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS, LOCAL UNION)	AMENDMENT OF
NOS. 240 AND 55,)	CERTIFICATION
PETITIONERS)	

Pursuant to an election conducted under the supervision and direction of the Public Employment Relations Board on June 23, 1975, the Board issued on July 11, 1975 an Order of Certification, designating International Brotherhood of Electrical Workers, Local No. 240, as the exclusive bargaining representative of the employees of the employer in an appropriate bargaining unit.

On July 29, 1975, International Brotherhood of Electrical Workers, Local Nos. 240 and 55, filed with the Board a petition to amend said certification to designate Local Union No. 55 as the exclusive bargaining representative in lieu of Local Union No. 240. In support thereof, the local unions allege that the membership of both locals by unanimous vote have approved an amalgamation of the locals subject to the approval of the International Brotherhood of Electrical Workers and subject to amendment of Local No. 240's certification by the Board. Further, on October 1, 1975, the employer, Muscatine Power and Water, and both local unions filed with the Board a stipulation, stating that no party objects to the merger or the amendment to the certification.


In view of the stipulation of all parties and the circumstances of this case, the Board finds no objection to the proposed amendment, and hereby issues the following:

ORDER

IT IS HEREBY ORDERED that the Order of Certification dated July 11, 1975, be, and the same hereby is, amended to designate International Brotherhood of Electrical Workers, Local Union No. 55, as the exclusive bargaining representative for certain employees of Muscatine Power and Water, a public employer, in the unit determined appropriate by Board Order dated May 27, 1975.

DONE by the Public Employment Relations Board this 7th day of October, 1975.

PUBLIC EMPLOYMENT RELATIONS BOARD



JOHN R LOINE, BOARD MEMBER

PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

MUSCATINE POWER AND WATER,
PUBLIC EMPLOYER

AND

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL #240,
PETITIONER

Case No. 71

ORDER OF CERTIFICATION

Now on this 11th day of July, 1975, the Board being advised that an election was conducted on June 23, 1975, pursuant to order of the Public Employment Relations Board and that International Brotherhood of Electrical Workers, Local #240 an employee organization, received an affirmative vote of a majority of employees in the bargaining unit, and the Board having further found that the aforesaid employee organization has fully complied with all regulations of the Public Employment Relations Act and the rules and regulations thereunder,

IT IS HEREBY ORDERED BY THE BOARD that International Brotherhood of Electrical Workers, Local #240 should be and hereby is designated and certified by this Board to be the exclusive bargaining representative for the employees of Muscatine Power and Water, a public employer, in the following bargaining unit:

INCLUDED: All construction, maintenance, production, repair and service employees of the employer, defined as follows: serviceman, senior serviceman, meter tester repairman-electric, meter readers, tree trimmers, tree trimmer foreman, driver-groundman, driver-groundman-operator, lineman, underground lineman, underground lineman foreman, substation electrician, storekeepers, janitors, maintenanceman, certified welders, electrician, lab technician, yard equipment operator, assistant fuel supply foreman, relief auxiliary operator, equipment operator, dispatcher, relief equipment operator, construction helper, construction worker, construction foreman, meter tester repairman-water, well field operator, reservoir caretaker, all apprentices and all physical workers.

EXCLUDED: Administrative employees, clerical workers, supervisory and confidential employees, watchmen, guards and all other employees as defined in Section 4 of the Act.

DONE by the Public Employment Relations Board

By _____

VERNON C. COOK, MEMBER