

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF)
)
CITY OF OELWEIN,)
)
Public Employer,)
)
and)
)
CHAUFFEURS, TEAMSTERS AND HELPERS,)
LOCAL 238,)
)
Petitioner)

CASE NO 6232

2001 JAN 26 PM 2 22
PUBLIC EMPLOYMENT
RELATIONS BOARD

FILED
JAN 26 2001
DES MOINES, IOWA

PROPOSED DECISION AND ORDER

This matter arises from a petition for unit determination/representative certification filed by Chauffeurs, Teamsters and Helpers, Local 238 (Union) Prior to hearing a motion was made by the Union to reframe the petition to an amendment of unit pursuant to rule 4 6 of the rules of the Public Employment Relations Board (PERB or Board), 621 Iowa Admin Code 4 6(20) The motion was granted The petition seeks to amend the office clerical employees into an existing bargaining unit represented by the Union in the city of Oelwein, Iowa (City) Both parties have stipulated to the inclusion of two of the three clerical employees into the bargaining unit, but the City contends that the clerk-typist is a confidential employee

A hearing on the petition was held in Des Moines, Iowa, on October 20, 2000, at which time the City was represented by its attorney, William F Sueppel, and the Union by its attorney, Jill Hartley Both parties had full opportunity to present testimony and evidence in support of their respective positions The parties filed post-hearing briefs on December 18, 2000

In conclusion I find that the clerk-typist is a confidential employee as that it is defined in section 20 3(3) because she works in a close relationship with representatives who bargain on behalf of the City, has access to information used in collective bargaining negotiations and is the personal secretary to the City's chief administrative officer and thus is properly excluded from the existing bargaining unit represented by Petitioner

Based upon the foregoing I conclude that the existing bargaining unit should be amended to include the job classifications of bookkeeper and utilities clerk pursuant to the parties' stipulation I further conclude that the job classification of clerk/typist should be excluded from amendment into the existing bargaining unit for the reason that the position is confidential

Consequently, I issue the following proposed

ORDER

IT IS THEREFORE ORDERED that the bargaining unit be and is hereby amended to read as follows

INCLUDED All full-time and regular part-time employees of the City of Oelwein in the Sewer Main Dept , Street Dept , Garbage Dept , Sewer Treatment Dept , Water Dept , Maintenance Dept , Flood Control, Caretaker, Utilities Clerk and Bookkeeper/Accounts Clerk

EXCLUDED Cemetery Sexton, Supervisors of the Garbage Dept , Street Dept , Water Dept , & Sewage Treatment, Clerk Typist and all other persons excluded by Section 4 of the Act

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF OELWEIN,)	
)	
PUBLIC EMPLOYER,)	
)	
and)	
)	CASE NO. 3549
OVER THE ROAD & CITY CARTAGE DRIVERS,)	
HELPERS & DOCK WORKERS, LOCAL NO. 844,)	
)	
CERTIFIED EMPLOYEE ORGANIZATION)	

AMENDMENT OF CERTIFICATION

Upon a petition for amendment of certification duly filed under Rule 4.8 of the Public Employment Relations Board's Rules and Regulations, and the petition having been tentatively approved by the Board and posted in conformance with the Board's Rules and Regulations, and no objections having been filed;

ORDER

IT IS HEREBY ORDERED that the certification of OVER THE ROAD & CITY CARTAGE DRIVERS, HELPERS & DOCK WORKERS, LOCAL NO. 844, issued in Case No. 2272 be and hereby is amended to read as follows: CHAUFFEURS, TEAMSTERS & HELPERS, LOCAL NO. 238.

DONE at Des Moines, Iowa this 20th day of November, 1987.



 JAMES A. McCLIMON, BOARD MEMBER

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF OELWEIN,)	
)	
PUBLIC EMPLOYER)	
)	
AND)	
)	
OVER THE ROAD AND CITY CARTAGE)	CASE NO. 2272
DRIVERS, HELPERS AND DOCK WORKERS,)	
AND CONSTRUCTION DRIVERS AND HELPERS)	
AND ALLIED EMPLOYEES, LOCAL UNION NO.)	(Amending Case No. 461)
844,)	
)	
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 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 the following stipulation of bargaining unit

INCLUDED: All full-time and regular part-time employees of the City of Oelwein in the Sewer Main Dept., Street Dept., Garbage Dept., Sewer Treatment Dept., Water Dept., Maintenance Dept., Flood Control and Caretaker

EXCLUDED: Cemetery Sexton, Supervisors of the Garbage Dept., Street Dept., Water Dept., & Sewage Treatment, Clerks and all other persons excluded by Section 4 of the Act.

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

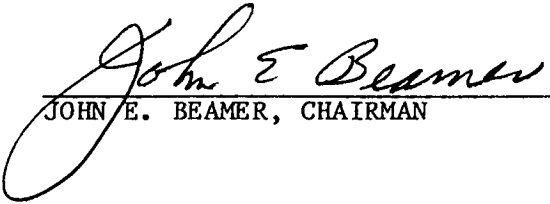
ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 461 and the certification of Teamsters, Local 844 in that case be and hereby are amended to read as follows.

INCLUDED All full-time and regular part-time employees of the City of Oelwein in the Sewer Main Dept., Street Dept., Garbage Dept., Sewer Treatment Dept., Water Dept., Maintenance Dept., Flood Control and Caretaker

EXCLUDED: Cemetery Sexton, Supervisors of the Garbage Dept., Street Dept., Water Dept., & Sewage Treatment, Clerks and all other persons excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board this 6th day of August,
1982.



JOHN E. BEAMER, CHAIRMAN

STATE OF IOWA
PUBLIC EMPLOYMENT RELATIONS BOARD

CEO 468

IN THE MATTER OF
CITY OF OELWEIN,
PUBLIC EMPLOYER

AND

OVER THE ROAD AND CITY CARTAGE DRIVERS,
HELPERS AND DOCK WORKERS, AND CONSTRUCTION
DRIVERS AND HELPERS AND ALLIED EMPLOYEES,
LOCAL #844,
PETITIONER

CASE NO. 461

ORDER OF CERTIFICATION

NOW on this 14th day of November, 1975, the Board being advised that an election was conducted pursuant to Order of the Board, and that Over the Road and City Cartage Drivers, Helpers and Dock Workers, and Construction Drivers and Helpers and Allied Employees, Local #844 an employee organization, received an affirmative vote of the majority of employees in the bargaining unit, and the Board having further found that the employee organization has fully complied with all regulations of the Act and the rules and regulations thereunder,

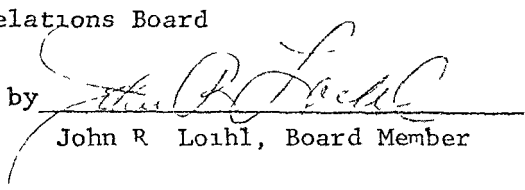
IT IS HEREBY ORDERED BY THE BOARD that Over the Road and City Cartage Drivers, Helpers and Dock Workers, and Construction Drivers and Helpers and Allied Employees, Local #844 should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for the employees of the City of Oelwein a public employer, in the following bargaining unit

INCLUDED Employees of the City of Oelwein in the Sewer Main Department, Street Department, Garbage Department, Sewer Treatment Department, Water Department,

EXCLUDED Cemetery Sexton, Garbage Superintendent, Street Superintendent, Water Superintendent, Sewage Treatment Plant Superintendent, Clerks and all other persons excluded by Section 4 of the Act

DONE by the Public Employment Relations Board

by


John R. Loehl, Board Member