

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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PUBLIC EMPLOYMENT
RELATIONS BOARD

CITY OF SIOUX CITY,)	
Public Employer/Petitioner,)	
)	
and)	
)	CASE NO. 5751
SIOUX CITY PROFESSIONAL)	
FIRE FIGHTERS ASSOCIATION,)	
Certified Employee)	
Organization.)	

DECISION ON APPEAL

This case is before the Public Employment Relations Board (PERB or Board) on appeal from a Proposed Decision and Order issued by a PERB administrative law judge (ALJ) on June 1, 1998. This matter involves a petition for amendment of bargaining unit filed by the City of Sioux City pursuant to PERB rule 621-4.6(20), seeking to remove the job classification of captain from the bargaining unit represented by the Sioux City Professional Fire Fighters Association. In his proposed decision, the ALJ determined that the existing bargaining unit should not be amended to exclude captains. The City appealed from the proposed 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 August 5, 1998, by counsel, James Hanks for the City and MacDonald Smith for the Association. Both parties filed briefs on appeal. Prior to the date scheduled for oral argument the State of Iowa, by its Department of Personnel, filed a motion for leave to file an amicus curiae brief in support of the City's position. At oral argument, the parties having no objection, we granted the State's motion.

supervisory status, than it is to City of Oskaloosa, 95 PERB 5173, cited and relied upon by the City, where captains were found to be supervisory. In City of Oskaloosa there were no assistant chiefs or other higher-ranking officers between the level of the captains and the chief. Accordingly, captains were the highest-ranking officers on duty a majority of the time. The Board noted in Oskaloosa that, if the captains in that case were not supervisors, the work force would be operating with no available supervisors 75% of the time. Here, by contrast, assistant chiefs are on duty at least 80% of the time.

In the present case, our conclusion that captains are not supervisors results in a supervisor/employee ratio of approximately 1:19 (six supervisors for 112 employees). This is similar to City of Davenport, where the ratio of supervisors to employees which resulted from the inclusion of captains and lieutenants in the unit was approximately 1:14 (nine for 126).

Having found that captains are not supervisory employees based upon any of the section 20.4(2) criteria, we conclude that the bargaining unit should not be amended to exclude them. We also conclude that the stipulation entered into by the parties to amend the unit description by adding fire marshal and fire training officer to the list of employees excluded from the unit and by removing any reference to the abolished deputy chief position should be and hereby is approved. Accordingly, we issue the following:

ORDER

The description of the bargaining unit originally determined in PERB Case No. 59 (1975) and subsequently amended in PERB Case No. 1970 (1981) is amended to read as follows:

INCLUDED: All uniformed members of the Sioux City Fire Department including privates, lieutenants, and captains.

EXCLUDED: Fire chief, assistant chiefs, fire marshal, fire training officer, clerical, mechanic, and all other persons excluded by Section 4 of the Public Employment Relations Act.

DATED at Des Moines, Iowa this 5th day of October, 1998.

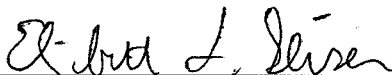
PUBLIC EMPLOYMENT RELATIONS BOARD



Richard P. Moore, Chair



M. Sue Warner, Board Member



Elizabeth L. Seiser, Board Member

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:)	
CITY OF SIOUX CITY,)	CASE NO. 1970
Public Employer)	
and)	
SIOUX CITY PROFESSIONAL)	(Amending Case No. 59)
FIREFIGHTERS ASSOCIATION,)	
Petitioner/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 a stipulation of bargaining unit.

Said stipulation having been tentatively approved by the Board and the Board having no objections;

ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 59 and the certification of Sioux City Professional Firefighters Association in that case be and hereby are amended to read as follows:

INCLUDED: All uniformed members of the Sioux City Fire Department including Privates, Lieutenants, Captains.

EXCLUDED: Chief, Deputy Chief, Assistant Chiefs, Clerical, Mechanic, and all other persons excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board this 7th day of July, 1981.



JOHN R. LOIHL, BOARD MEMBER

PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:

CITY OF SIOUX CITY,
EMPLOYER

AND

SIOUX CITY PROFESSIONAL FIREFIGHTERS
ASSOCIATION, LOCAL #7
PETITIONER

Case No. 59

ORDER OF CERTIFICATION

Now on this 11th day of June , 1975, the Board being advised that an election was conducted on May 19, 1975 , pursuant to order of the Public Employment Relations Board and that Sioux City Professional Firefighters Association, Local #7 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 Sioux City Professional Firefighters Association, Local #7 should be and hereby is designated and certified by this Board to be the exclusive bargaining representative for the employees of City of Sioux City a public employer, in the following bargaining unit:

INCLUDED: All uniformed member of the Sioux City Fire Department including Privates, Lieutenants, Captains.

EXCLUDED: Chief, Assistant Chiefs, Fire Training Officer, Fire Marshal, Clerical, Mechanic, Fire Communications Dispatchers and all other persons excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board

By Edward Shellen