

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF)	
)	
IOWA CENTRAL COMMUNITY COLLEGE,)	
Public Employer,)	
)	
and)	CASE NO 6914
)	
IOWA CENTRAL COMMUNITY COLLEGE)	
EDUCATION ASSOCIATION,)	
Petitioner/Certified)	
Employee Organization)	
)	

RECEIVED
 2006 JUL 14 PM 2:08
 PUBLIC EMPLOYMENT
 RELATIONS BOARD

DECISION ON APPEAL

This matter is before us on appeal from a proposed decision and order issued by an administrative law judge (ALJ) of the Public Employment Relations Board (PERB or Board) in a bargaining unit clarification proceeding filed by Iowa Central Community College Education Association (Association) pursuant to Iowa Code section 20 13 and PERB rule 621 I A C 4 7(20) The petition sought clarification that the position of "Trainer/Coordinator" in the welding program in the Industrial Technology Department of Iowa Central Community College (College) is included within the previously determined bargaining unit

The ALJ concluded the position of Trainer/Coordinator was not a part of the bargaining unit as described The Association timely appealed the ALJ's proposed decision and order to the Board pursuant to PERB rules

Pursuant to PERB subrule 621-9 2(3) we have heard the case upon the record submitted before the ALJ Oral arguments were

presented to the Board on March 22, 2005, by William Unger, counsel for the Association and Robert Overman, counsel of the public employer. Both parties filed briefs on appeal. Pursuant to Iowa Code section 17A 15(3), in this appeal we possess all powers which we would have possessed had we elected, pursuant to PERB rule 621-2 1, to preside at the evidentiary hearing in the place of the ALJ.

Based upon our review of the record before the ALJ, and having considered the parties' briefs and oral arguments, we make the following findings of fact and conclusions of law.

FINDINGS OF FACT

The Association was certified to represent certain professional employees of the College on October 21, 1975 in PERB Case No. 252. The bargaining unit was subsequently amended on September 4, 1984 in PERB Case No. 2772 and on June 6, 1990 in PERB Case No. 4204. The current unit description is

INCLUDED All instructors and associate instructors, professors, associate professors, assistant professors, all librarians, all guidance counselors and athletic directors.

EXCLUDED All non-instructional personnel, including director of libraries and media center, supervisory personnel, director of placement and counseling, coordinators of guidance services, department heads, non-professional personnel, all others not specifically included and all others excluded under Section 4 of the PER Act.

The collective bargaining agreement between the parties effective from July 1, 2003 through June 30, 2005 defines four categories of employees with the term "instructor" as part of

weigh in favor of our conclusion that the Industrial Trainer/Coordinator position is not now and has not previously been included within the bargaining unit as it is currently described ⁴

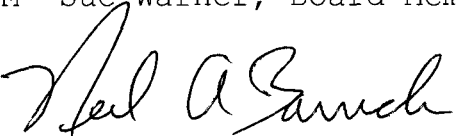
For all the above reasons, the bargaining unit is hereby clarified as excluding the Industrial Welding Trainer and Coordinator of the Welding Program We conclude this position falls within the certification's listed "Excluded" category of "all others not specifically included," and, thus, no modification of the unit description is necessary

DATED at Des Moines, Iowa, this 14th day of July, 2006

PUBLIC EMPLOYMENT RELATIONS BOARD


James R Riordan, Chair


M Sue Warner, Board Member


Neil A Barrick, Board Member

Copies to Jim Smith
Iowa State Education Association
777 Third Street
Des Moines IA 50309

Robert Overman
Old Town Square
300 North Mead Suite 200
Wichita KS 67202-2722

⁴ We note that in a unit clarification proceeding such as this we make no determination as to whether the position would appropriately be amended into the unit should such action be sought

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IOWA CENTRAL COMMUNITY COLLEGE)
Public Employer,)
and)
IOWA CENTRAL COMMUNITY COLLEGE)
EDUCATION ASSOCIATION,)
Petitioner.)

CASE NO. 4204

RELATIONS BOARD
JUL 1 - 6 PM 3 21

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 [Board] Rules, the parties filed with the Board a Stipulation of Bargaining Unit.

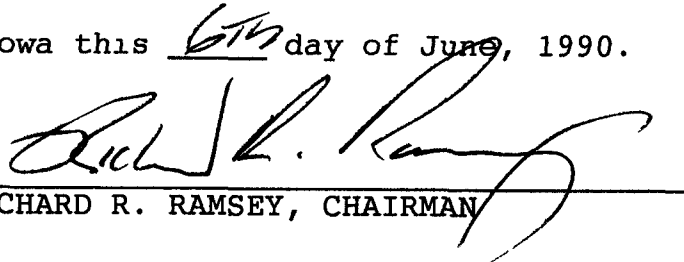
Said Stipulation and Proposed Order have been tentatively approved by the Board and posted in conformance with the Board's Rules and no objections having been filed thereto, accordingly;

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 252 and amended in Cases No. 2772, and the certification of Iowa Central Community College Education Association, is amended to read as follows:

INCLUDED: All instructors and associate instructors, professors, associate professors, assistant professors, all librarians, all guidance counselors and athletic directors.

EXCLUDED: All non-instructional personnel, including director of libraries and media center, supervisory personnel, director of placement and counseling, coordinators of guidance services, department heads, non-professional personnel, all others not specifically included and all others excluded under Section 4 of the PER Act.

DATED at Des Moines, Iowa this 6th day of June, 1990.



RICHARD R. RAMSEY, CHAIRMAN

cc: James F. McNeal
Kurt Wilke
John Robertson
JoAnn Mackin

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IOWA CENTRAL COMMUNITY COLLEGE,)	
)	
PUBLIC EMPLOYER)	
)	
AND)	CASE NO. 2772
)	
IOWA CENTRAL COMMUNITY EDUCATION)	(Amending Case No. 252)
ASSOCIATION,)	
)	
PETITIONER)	

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 including the job classification guidance counselor in the previously determined bargaining unit. An election was conducted pursuant to an Order of the Board among the guidance counselors. A majority of the ballots were cast for representation by the Iowa Central Community College Education Association.

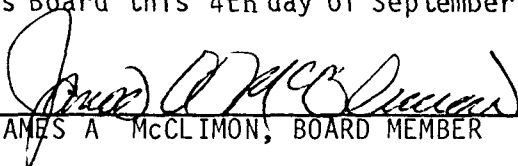
ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 252, and the certification of Iowa Central Community College Education Association, be and hereby is amended to read as follows

INCLUDED: All instructors--including associate instructors, all professors--including associate and assistant professors, all librarians, and all guidance counselors.

EXCLUDED All noninstructional personnel, including director of libraries and media center, supervisory personnel, director of placement and counseling, coordinators of guidance services, department heads, athletic director, non-professional personnel, and others not specifically included and all others excluded under Section IV of the Public Employment Relations Act.

DONE by the Public Employment Relations Board this 4th day of September, 1984.


 JAMES A. McCLIMON, BOARD MEMBER

STATE OF IOWA

PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:)	
IOWA CENTRAL COMMUNITY COLLEGE,)	
PUBLIC EMPLOYER)	
AND)	CASE NO. 252
IOWA CENTRAL COMMUNITY COLLEGE)	
EDUCATION ASSOCIATION,)	
PETITIONER)	

ORDER OF CERTIFICATION

NOW on this 21st day of October, 1975, the Board being advised that an election was conducted pursuant to Order of the Board, and that Iowa Central Community College Education Association, 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 Iowa Central Community College Education Association should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for certain employees of Iowa Central Community College, a public employer, in the following bargaining unit

INCLUDED: All instructors, including associate instructors, all professors including assistant and associate professors, all librarians.

EXCLUDED: All non-instructional personnel, including director of libraries and media center, supervisory personnel, counselors, department heads, athletic director, non-professional personnel, all others not specifically included and all others excluded under Section 4 of the Public Employment Relations Act.

DONE by the Public Employment Relations Board

Vernon C. Cook

 VERNON C. COOK/MEMBER