## D.M. set back on firemen in bargaining unit

By CHARLES HARPSTER

The City of Des Moines suffered a setback Thursday in its fight to keep fire department captains and lieutenants out of a collective bargaining unit.

In an unusual tie vote, the Iowa Pubhe Employment Relations (PER) Board Thursday let stand a hearing officer's finding that says captains and lieutenants are not supervisory employes and can be included in the hargaining group.

The city, which believes captains and licutenanta are supervisors, plans to appeal the PER board ruling to Polk County District Court, City Manager Richard Wilkey said.

#### 1-to-1 Dendlock

Edward F. Kolker, PER board chairman, said split 2-to-1 rulings by the three-member board are not uncommon. The 1-to-1 deadlock Thursday resulted because board member Vernon C. Cook was disqualified, and Kolker and board member John R. Loihl reached opposité conclusions.

Kolker said it would have taken a majority ruling to overturn the hearing officer's finding, so the tie vote allowed it to stand.

Cook, a former Clinton fireman, was disqualified because he took part in similar arbitration while he was an officer of a fire fighters' union, Kolker

Jack Wathne, president of the Des Moines Association of Professional Fire Fighters, Local No. 4, said he preferred to withhold comment until he has reviewed the ruling and has talked to union members.

Wilkey said the ruling will be appealed soon "in view of the 1-to-1

Wilkey said the city wants to exclude the captains and lieutenants because "in our view they are supervisors and because the law requires supervisors to be excluded" from the firemen's collective bargaining unit.

#### "Divided Responsibility"

Supervisors act as representatives of the city council and the city manager in carrying out policy, and for these officers "also to be members of a union would present a divided responsibility situation," Wilkey said.

Representatives of fire fighters have argued - and the PER board hearing officer agreed - that captains and lieutenants do not hire, transfer, suspend, lay off, recall, promote, discharge or reward employes - duties that under state law are considered supervisory.

Board member Loihl agreed with the firemen and the hearing officer.

In his written opinion, Loihl pointed to the "pervasive and encompassing degree of control" possessed by the fire chief under the department's "paramilitary structure." He said he was not criticizing the structure, but only saving that it minimizes the autonomy and

authority of the captains and lieuten-

Stations Separated Kolker disagreed. Fire stations are

separated from each other, and highlevel officers visit the stations only a few minutes during a 24-hour shift, he

"I-cannot escape the conclusion that someone is enforcing the rules, regulations and orders of the department, and maintaining the proper level of training of men and maintenance of equipment," Kolker wrote. Captains and lieutenants who serve as station commanders perform those functions, which "are significant and require the use of independent judgment," he said.

Station commanders also settle station grievances independently, discipline firemen under their command, and assign all work at stations, Kolker

### Ethiopia nationalizes church hospital

WASHINGTON, D.C. (AP) - The government of Ethiopia has nationalized the Empress Zauditu Memorial Hospital of the Seventh-Day Adventist, according to a report received at the church's world headquarters here.

Roy F. Williams, associate secretary of the General Conference of Seventh-Day Adventists, said Thursday the takeover was reported by the church's Afro-Mideast Division Headquarters.

The 135-bed hospital was one of the church's 16 hospitals around the world.

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# SEEK TO BLOCK **EVIDENCE IN SLAYING CASE**

By JONATHAN ENGEL

The lawyer for Jeffrey Robert Calvert, 22, of Des Moines, charged in the Apr. 14 strangulation slaying of a Des Moines woman, has asked the Polk County District Court to suppress three pieces of evidence in the case.

Attorney Lawrence Scalise is seeking to prohibit prosecutors from presenting as evidence a belt seized from Calvert shortly before his arrest. He also is wanting to block two tape recordings from being presented to iurors.

District Judge A.B. Crouch set a hearing on Scalise's motion for July 23. Scalise contends the seizure of the belt was illegal because a search warrant obtained by officers was for Calvert's parents' home - where Calvert and his wife live - and not for Calvert's person.

According to the search warrant, Detective Clarence Jobe said a circular pattern on the belt is similar to abrasion marks found around the neck of the victim, Mary Ann Scovel, 18, of 661 Seventeenth St.

One of the tape recordings is of an anonymous man's telephone call to Des Moines police telling them that a killing had occurred in Scovel's apart-

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ment. That tape, according to police, might be the solution to the case.

During their investigation, authorities obtained a recording of Calvert's voice and reportedly have had it compared with the anonymous caller's voice. The results of that comparison have not been disclosed.

Scalise said such a voice comparison is irrelevant and highly prejudicial. There is "no generally accepted scientific method for making the contention that the tape recording (of the anonymous caller) belongs to the defendant,

But Lt. Edgar Harian has said Calvert consented to having his interrogation tape recorded, knowing it could be used for voice comparisons.

Scovel lived at 661 Seventeenth St., next door to Calvert and his wife. The Calverts moved in with his parents, Mr. and Mrs. Lester Calvert of 3213 Fortyeighth Place, a few days after the slay-

Jobe has testified that Calvert was the last person known to have seen Scovel alive, and that Calvert had access to Scovel's apartment through a door linking the two apartments.

Calvert, who remains free under Polk County's pre-trial release program, is scheduled to go on trial Aug.

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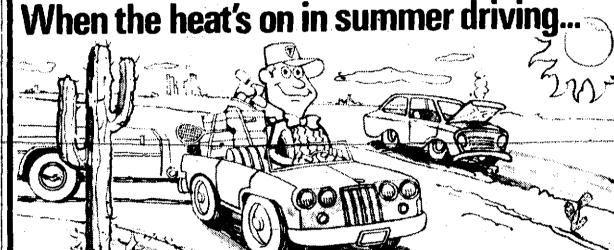
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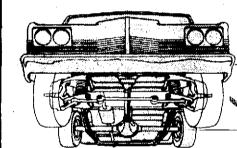
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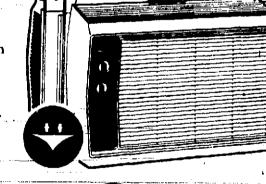
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