

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
TEAMSTERS UNION, LOCAL 760) CASE 16934-E-02-2789
Involving certain employees of:) DECISION 8005 - PECB
CITY OF WARDEN) ORDER OF DISMISSAL
_____)

Larry Nickel, Business Agent, for the petitioner.

Kevin Wesley, Labor Consultant, for the employer.

On November 18, 2002, Teamsters Local 760(union) filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, seeking certification as exclusive bargaining representative of a unit of non-uniformed employees of the City of Warden (employer) historically consisting of no more than two employees. A companion case was filed for the uniformed personnel. Case 16935-E-02-2790.

An investigation conference was conducted on December 19, 2002, where the employer stated that the city council would determine at its January meeting whether to fill a vacant non-uniformed position, and that the petitioned-for unit would become a one-person unit if that position was not filled. The Executive Director reviewed the files and determined that both cases should be held in abeyance until the employer's council meeting. If the city's population was less than 2,500, the unformed employees would not be eligible for interest arbitration, and the non-uniformed employees could properly be included in the uniformed unit.

In a letter filed by the union on January 13, 2003, the union stated that the city's population is 2,565 and it requested that a cross-check be conducted for the uniformed employees. The union requested that the non-uniformed petition be held in abeyance until it had time to investigate the termination of the position.

On February 7, 2003, the employer filed a letter stating that the City had decided not to fill the vacant non-uniformed position that the duties from that position would be handled by uniformed officers and the public works would take on the duties of animal control.

The union was given a period of time to show cause why the petition should not be dismissed as seeking an inappropriate unit. To date, there has been no response. The petition must be dismissed.

NOW, THEREFORE, it is

ORDERED

The petition for investigation of a question concerning representation filed in the above-captioned matter is DISMISSED as seeking an inappropriate unit.

Issued at Olympia, Washington, on the 19th day of March, 2003.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing timely objections with the Commission under WAC 391-25-590.