

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
CITY OF TACOMA)	CASE 14656-C-99-940
)	
For clarification of an existing)	DECISION 6981 - PECB
bargaining unit of employees)	
represented by:)	
)	ORDER CLARIFYING
TACOMA POLICE UNION, LOCAL 6)	BARGAINING UNIT
)	
)	

On June 21, 1999, the City of Tacoma (employer) filed a petition for clarification of a bargaining unit with the Public Employment Relations Commission under Chapter 391-35 WAC. The employer sought to have the classifications of "lieutenant" and "captain" removed from a bargaining unit of uniformed personnel (law enforcement officers) represented by Tacoma Police Union, Local 6 (union), on the basis that the disputed persons were supervisors whose presence in the existing bargaining unit created a potential for conflicts with the employees they supervise.

The matter was assigned to a Hearing Officer, and a hearing was set in the matter for January 27 and 28, 2000. Prior to the hearing, the parties notified the Hearing Officer that they had entered into a settlement agreement, by which they agreed to remove the disputed classifications from the bargaining unit. Acting on behalf of both parties on January 27, 2000, counsel for the union submitted a request that the description of the existing bargaining unit be modified in accordance with the agreement reached by the parties.

The Executive Director has reviewed the agreement of the parties in this matter, and finds that the proposed bargaining unit is appropriate under RCW 41.56.060. It has long been the practice of the Public Employment Relations Commission to exclude supervisory employees from the bargaining units of employees they supervise, due to the potential for conflicts of interest. City of Richland, Decision 279-A (PECB, 1978), affirmed 29 Wn.App. 599 (Division III, 1981), review denied 96 Wn.2d 1004 (1981).

NOW, THEREFORE, it is

ORDERED

The bargaining unit description is hereby amended to read as follows:

All commissioned law enforcement officers, as defined by RCW 41.26.030(3), employed by the City of Tacoma up through the rank of sergeant, excluding supervisors, confidential employees, and all other employees of the employer.

DATED at Olympia, Washington, this 28th day of February, 2000.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-35-210.