

court clerk job would be eligible for inclusion in the bargaining unit, and directed a cross-check for a unit of seven employees.

The cross-check was conducted by a member of the Commission's staff on March 3, 1995. The amended tally issued on March 16, 1995 shows that six employees supported the union.

On March 3, 1995, the employer filed objections limited to the eligibility rulings made on the office-clerical employees. It now claims that the clerk-treasurer position no longer exists, having been replaced by two positions: administrative secretary and accounting technician. The employer asserts that the employee who formerly performed office-clerical functions involving utilities and a court has had her duties expanded since the elimination of the clerk-treasurer position, and that the city council is now considering a draft of a new job description for her as a confidential administrative secretary. It asserts that the new accounting technician job description was approved on October 11, 1994.³ The employer thus requests the Commission to amend its decision to provide that both of the office-clerical positions are excluded from the bargaining unit as "confidential employees".

The Commission has considered the matter, and is satisfied that the union will be entitled to certification as exclusive representative of the petitioned-for bargaining unit, regardless of the outcome of the debate concerning the office-clerical positions. As in City of Winlock, Decision 4056-A (PECB, 1992), the issuance of an interim certification will permit bargaining to commence between the parties on the undisputed employees, without waiting for the final outcome of the eligibility dispute.

³ That was some three months after the close of the hearing in this matter. There was no previous request for a re-opening of the hearing.

FINDINGS OF FACT

1. The above-named petitioner filed a petition for investigation of a question concerning representation of employees of the above-named employer; the petition was accompanied by a showing of interest which was administratively determined by the Commission to be substantial; and the employer declined voluntarily to extend the petitioner recognition as the exclusive bargaining representative of its employees.
2. These representation proceedings were conducted by the Commission in the bargaining unit described as:

All regular employees of the City of DuPont, excluding elected officials, the city administrator, confidential employees, and casual employees.

3. All proceedings were conducted under the supervision of the Commission in a manner designed to afford the affected employees a free choice in the selection of their bargaining representative, if any. A tally of the results was previously furnished to the parties, and is attached hereto.
4. Objections filed by the employer with respect to these proceedings will not alter the outcome of the question concerning representation.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.
2. The bargaining unit described in paragraph 2 of the forgoing findings of fact is an appropriate unit for the purposes of collective bargaining under RCW 41.56.060, and all conditions precedent to an interim certification have been met.

NOW, THEREFORE, it is

ORDERED

1. It is certified that the employees of the above-named employer in the appropriate bargaining unit described in paragraph 2 of the foregoing findings of fact have chosen:

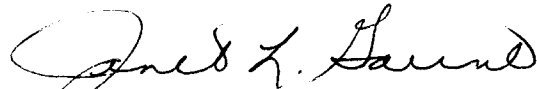
CITY OF DUPONT EMPLOYEES ASSOCIATION

as their exclusive bargaining representative for the purpose of collective bargaining with their employer with respect to wages, hours and conditions of employment.

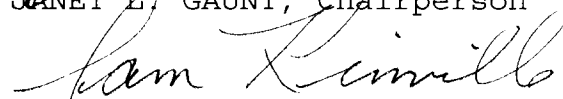
2. These proceedings shall remain open for consideration of the objections filed by the employer concerning the eligibility of an administrative secretary and an accounting technician for inclusion in the bargaining unit.
3. This matter is remanded for a hearing to take additional testimony and written argument on the disputed positions.

ISSUED at Olympia, Washington, this 28th day of March, 1995.

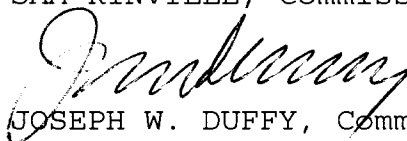
PUBLIC EMPLOYMENT RELATIONS COMMISSION



JANET L. GAUNT, Chairperson



SAM KINVILLE, Commissioner



JOSEPH W. DUFFY, Commissioner