

1 representative" within the meaning of RCW 41.56.030 (3).

2 IV

3 The City of Tacoma, on November 13, 1972, gave written recognition to I.B.E.W.
4 Local 483 as the exclusive bargaining representative of the following classes of
5 supervisory employees:

6	4125	Communications Supervisor (1)
	5125	Chief Power Dispatcher (1)
7	5135	Hydro Electric Plant Supervisor (3)
	5136	Senior Hydro Electric Plant Supervisor (3)
8	5145	Steam Plant Supervisor (1)
	5235	Relay and Meter Supervisor (1)
9	5250	Assistant Underground and Substation Supervisor (1)
	5251	Underground and Substation Maintenance Supervisor (1)
10	5271	Fire Alarm Supervisor (1)
	5276	Traffic Signal Supervisor (1)
11	5265	Assistant Overhead System Supervisor (1)
	5266	Overhead System Supervisor (1)
12	2130	Chief Electrical Inspector (1)
	2126	Assistant Chief Electrical Inspector (1)

13 V

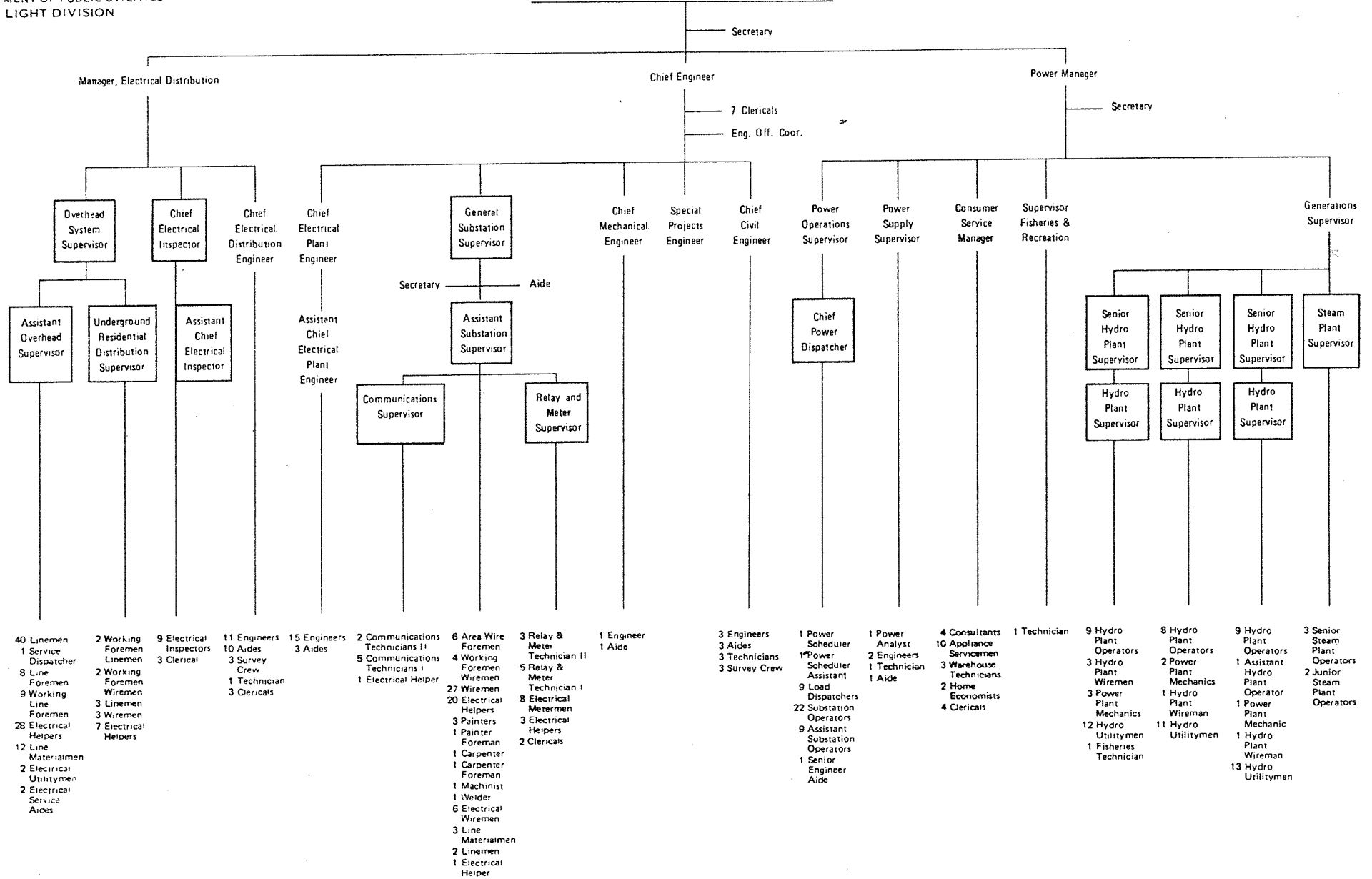
14 Agreement on the first written contract between the Union and the City cov-
15 ering the "Electrical Supervisors' Bargaining Unit" in the Department of Public
16 Utilities was reached in July of 1975 to be effective from April 1, 1975 through
17 March 31, 1976. The Department of Labor and Industries was notified of the agree-
18 ment by letter from Mr. Ronald L. Miller of I.B.E.W. Local 483 on July 23, 1975.
19 Resolution No. U-4719, approving the Agreement, was adopted by the City Council on
20 January 14, 1976 and the final document was signed by all parties on February 26,
21 1976. (As the result of a typographical error, the year shown on the agreement is
22 "1975", but should read "1976.") The contract added one classification to the bar-
23 gaining unit and altered the title of two: 5250 became "Assistant Substation
24 Supervisor"; 5251 became "General Substation Supervisor"; and new number 5263 was
25 added bearing the title of "Underground Residential Distribution Supervisor". The
26 present unit consists of fifteen (15) classifications with nineteen (19) supervisors.

27 VI

28 The head of the Light Division is the Light Superintendent who reports to the
29 Director of Public Utilities. The accompanying chart shows the organizational
30 structure of the Division. The positions which are the subject of this Declaratory
31 Ruling are shown in boxes. The chart also shows the types of employees and the
32 number supervised which ranges from a low of five (5) to a high of one hundred and
33 two (102).

CITY OF TACOMA
DEPARTMENT OF PUBLIC UTILITIES
LIGHT DIVISION

LIGHT SUPERINTENDENT



VII

1 Tacoma City Light is a division of the Department of Public Utilities of the
2 City of Tacoma which also includes the City Water Division and the Belt Line Railway
3 Division. The utility owns and operates six hydro electric plants and has two
4 standby steam plants. The division has total assets of over 320 million dollars
5 and serves 86,750 customers. The Light Division employs 493 employees, 375 of
6 which are represented by I.B.E.W. Local 483.

7 VIII

8 The Fire Alarm Supervisor (5271) is not included in the City Light organiza-
9 tional chart because the position is in the City Fire Department. This classifica-
10 tion reports to the Services Chief and directly supervises five (5) employees.

11 IX

12 The Traffic Signal Supervisor (5276) is not included in the City Light organ-
13 izational chart because the position is in the Traffic Engineering Division. This
14 classification reports to the Division Chief and directly supervises nine (9)
15 employees.

16 X

17 Affidavits were received from the Communications Supervisor (4125), Chief
18 Power Dispatcher (5125), Relay and Meter Supervisor (5235), Underground Residential
19 Distribution Supervisor (5263), Fire Alarm Supervisor (5271), Traffic Signal
20 Supervisor (5276), Chief Electrical Inspector (2130), and Assistant Chief Electri-
21 cal Inspector (2126). The affidavits of these eight (8) employees affirm that each
22 has the authority to effectively recommend to hire, fire, transfer, suspend, lay
23 off, recall, promote, discharge, reward or discipline employees. They all refer to
24 attached job descriptions as being substantially accurate. The job descriptions
25 show a broad range of supervisory duties with considerable freedom and independence.
26 Each affiant denies a confidential relationship with the Director of Public Util-
27 ities, the Superintendent of Light, the Fire Chief, or the City Manager, and all
28 disclaim responsibility for formation of policy regarding labor relations.

29 XI

30 An affidavit received from Vernon Neal Purdy, Hydro Electric Plant Supervisor
31 (5135) disclaims the authority to effectively recommend any of the actions des-
32 cribed above in Finding No. X. He states that the attached job description is sub-
33 stantially accurate but denies involvement in the formulation of personnel policy.

XII

1 An affidavit received from Frank Lipera, Assistant Overhead Supervisor (5265)
2 disclaims involvement in any of the supervisory actions described in Finding No. X.
3 He agrees substantially to the job description but denies participation in personnel
4 policy or any confidential relationship with the Director of Public Utilities.

XIII

5
6 The City of Tacoma submitted a bound volume of evidence, 297 pages, in support
7 of the petition. The collective bargaining agreement with I.B.E.W. Local 483 cov-
8 ering the Journeymen's unit (p. 40) requires the Supervisor to represent management
9 in the first step of the Grievance Procedure. With the exception of one Supervisor,
10 Mr. Lipera, the evidence shows the Supervisors effective involvement, either by sig-
11 natures on documents or by minutes of meetings, in one or more of the following
12 managerial procedures: grievance processing, Labor-Management Committee, contract
13 administration, granting leaves of absence, development of affirmative action pro-
14 gram, review of probationary employees, permanent appointments, merit increase
15 requests, transfers, employee performance reviews, upgrade requests, and position
16 classifications.

XIV

17
18 The Assistant Overhead System Supervisor (5265), Mr. Frank Lipera, assumed
19 that position in January, 1976 and no evidence was included relating to this indi-
20 vidual. Evidence was submitted, however, relating to Mr. Mitchell who previously
21 held that position (p. 86, 88). This position supervises 102 Journeyman bargaining
22 unit employees.

XV

23
24 There are three Hydro Electric Plant Supervisors (5135) and the above-referenced
25 affidavit from one of them, Mr. Purdy, appears to disclaim most management functions.
26 The evidence presented (pp. 225 thru 245) shows that these supervisors grant leaves
27 of absence, prepare employee performance reviews, and evaluate probationary employees.
28 Mr. Purdy's signature appears on pages 233, 234, 243 and 245.

XVI

29
30 The Supervisor's salary is based upon a percentage above the employees under
31 his supervision and in no case is less than 7%. Supervisors do not receive the
32 overtime rate of pay for hours worked beyond the normal work week. In some instances
33 they are provided with city-paid housing and automobiles which are not furnished to

1 their subordinates.

2 XVII

3 In a strike situation by the Journeymen's Unit of I.B.E.W. Local 483 on Sep-
4 tember 5, 1974, several Supervisors refused to cross the picket line (p. 283).
5 Those who did report for work were required to obtain permission from the Union or
6 be in violation of the Constitution and Bylaws of the Union.

7 XVIII

8 An affidavit was received from Mr. Paul W. Becker, Jr., who supervises and
9 coordinates the Department of Public Utilities Labor Relations and Personnel Pro-
10 grams. In December, 1975 affiant attempted to have the Supervisors distribute a
11 memorandum on medical coverage to all employees. A number of those memorandums
12 were not distributed and one Supervisor related that he had been advised by the
13 Union not to distribute them.

14 XIX

15 Affidavits were received from Mr. Ronald M. Button, Director of Public Works
16 of the City of Tacoma, relating to the Traffic Signal Supervisor; and from Mr. Tony F.
17 Mitchell, Fire Chief of the City of Tacoma, relating to the Fire Alarm Supervisor.
18 Both affidavits describe the duties of the Supervisors as including the authority
19 to effectively recommend the supervisory actions described in Finding No. X.

20 XX

21 The City of Tacoma supports the petition on the basis that the Supervisory
22 employees are not "public employees" as defined in the statute because they fall
23 within the specific exception of RCW 41.56.030 (2) (c) in that they act as "adminis-
24 istrative assistants" and have "managerial" type supervisory duties.

25 XXI

26 I.B.E.W. Local No. 483 urges that the petition be dismissed because "super-
27 visors" are not specifically excluded by the statute and urges that a liberal con-
28 struction be given to RCW 41.56.030 (2) which will grant collective bargaining
29 rights to this Supervisory Bargaining Unit.

30 From the foregoing Findings of Fact, the Public Employment Relations Commission
31 makes the following

1 CONCLUSIONS OF LAW

2 I

3 The Public Employment Relations Commission has jurisdiction over this matter
4 by virtue of RCW 41.56 and RCW 34.04.

5 II

6 Precedents set by the State of Washington Department of Labor and Industries
7 have excluded "managerial" type supervisors from the provisions of the Act in Cases
8 SK-1216, SK-1395, O-1510, and O-1573.

9 III

10 The petitioned-for bargaining unit of Shift Supervisors consists of "managerial"
11 type supervisors who are not Public Employees as defined in RCW 41.56.030 (2) (c)
12 and are thus excluded from the provisions of said Act as a matter of law.

13 IV

14 The Petition by The City of Tacoma shall therefore be granted.

15 Dated this 12 day of Aug, 1976.

16
17
18 Willard G. Olson

19 Willard G. Olson
20 Associate Chief Labor Mediator
21 Public Employment Relations Commission
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