

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the Petition of
INTERNATIONAL FEDERATION OF PROFESSIONAL
AND TECHNICAL ENGINEERS, LOCAL NO. 17,
AFL-CIO,

Petitioner

And

KING COUNTY, WASHINGTON,

Employer

CASE NO. 683-E-76-124

DECISION NO. 341 - PECB

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

APPEARANCES:

MR. WILLIAM E. HAUSKINS, for the Union

MR. J. WES MOORE, for the Employer

The International Federation of Professional and Technical Engineers, Local No. 17, AFL-CIO, hereinafter referred to as the Union, filed a timely Representation Petition for certain employees of King County, Washington, hereinafter referred to as the County. The Union seeks Certification as exclusive bargaining representative of "Those employees in the Building and Land Development Division classified as: Planner I and Planner II." A formal Representation Hearing was conducted on November 4, 1977 before Willard G. Olson, a hearing officer of the Public Employment Relations Commission, hereinafter referred to as the Commission. The parties waived their rights to submit post-hearing briefs.

BACKGROUND

The Building and Land Development Division, as well as the Planning Division, is in the Department of Community and Environmental Development. There are Planners I, II, and III in both divisions with identical pay grades and with selections being made from the same career service list.

The Petitioner previously represented all Planners and Planning Assistants (Administrative Assistants) in the Department in a "Professional" bargaining unit. On September 22, 1975, an election was

conducted by the Department of Labor and Industries wherein the employees voted to decertify the Union.

There are eight (8) Planner I's and three (3) Planner II's for a total of eleven (11) employees in the petitioned-for Building and Land Development Division bargaining unit. The records show that there were thirty-four (34) employees in the bargaining unit previously represented by this petitioner.

POSITION OF THE PARTIES

The Union argues that it should be granted the petitioned-for unit because the County has been inconsistent in the past and has not always insisted that the same class of employees throughout the County be included in one bargaining unit. The Union presented documentation of instances where clerical employees were not all in one unit. Also, the Union showed that certain Office Assistants were accreted to the professional unit.

The County points out that the job specifications, duties and pay rates are the same for all Planners in the Department of Community and Environmental Development. Further, the County argues that the history of collective bargaining, one of the criteria set forth in RCW 41.56.060, reflects that all Planners belong in one bargaining unit. The County does not dispute the fact that there has been and still remains, some fragmentation of bargaining units. The County explains that prior to the present Charter there were more elected officials with separate, autonomous control over their employees. The County recognizes it has a situation which is difficult to rectify, but urges that further fragmentation should not be allowed.

DISCUSSION

The Hearing Officer is not convinced by the Union's argument that the County has been so inconsistent in the past on the makeup of bargaining units that they cannot now insist upon an appropriate bargaining unit pursuant to RCW 41.56.060. It would appear to be highly irregular to split up a previously-existing unit containing identical job classifications.

FINDINGS OF FACT

I

King County, Washington is a "public employer" within the meaning of RCW 41.56.030(1).

II

The International Federation of Professional and Technical Engineers, Local No. 17, AFL-CIO, is a "labor organization" within the meaning of RCW 41.56.010 and a "bargaining representative" within the meaning of RCW 41.56.030(3).

III

The Union filed a timely petition for certification for a bargaining unit of Planner I and Planner II positions in the Building and Land Development Division of King County and submitted bargaining authorization cards from over 30% of the employees in said unit in support thereof.

IV

The Building and Land Development Division is in the Department of Community and Environmental Development as is the Planning Division. There are a total of eleven (11) employees in the petitioned-for unit.

V

The petitioning Union, until September 22, 1975 represented a total of thirty-four (34) employees in both divisions of the Department of Community and Environmental Development. On the above date a majority of the employees voted to decertify in an election conducted by the Department of Labor and Industries. (L and I Case No. 0-1907).

VI

The same job specifications are used for the Planners in both Divisions of the Department. The duties, skills and working conditions of these employees are very similar and they are hired from the same career service list.

From the foregoing Findings of Fact, the Hearing Officer now makes the following:

CONCLUSIONS OF LAW AND ORDER

I

The Public Employment Relations Commission has jurisdiction over this matter by virtue of Chapter 41.56 RCW.

II

The petitioned-for bargaining unit of Planner I's and Planner II's in the Building and Land Development Division of the Department of Community and Environmental Development is not an appropriate unit for purposes of collective bargaining under the criteria set forth in RCW 41.56.060.

It is therefore ordered that the Representation Petition submitted by the International Federation of Professional and Technical Engineers, Local No. 17, AFL-CIO, be, and is hereby, dismissed.

DATED at Olympia, Washington this 17th day of January, 1978.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Willard G. Olson

WILLARD G. OLSON, HEARING OFFICER