

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. 763-E-77-141
DECISION NO. 342 - 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 "All employees classified as General Inspector I, in the Building and Land Development Division." 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 is part of the Department of Community and Environmental Development. In addition to the General Inspector I's, there are General Inspector II's and Fire Prevention Inspector I's in the Division.

For a number of years Carpenters Union, Local No. 131, was the bargaining representative of a bargaining unit which included the General

Inspector I's. On March 4, 1975, an election was conducted by the Department of Labor and Industries wherein the employees voted to decertify the Carpenter's Union.

There are seventeen (17) General Inspector I's in the petitioned-for bargaining unit. The records show that the previously-existing bargaining unit also included seven (7) General Inspector II's and four (4) Fire Prevention Inspector I's, all of whom were represented by the Carpenter's Union.

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 very similar for all Inspectors in the Building and Land Development Division. Further, the County argues that the history of collective bargaining, one of the criteria set forth in RCW 41.56.060, reflects that all Inspectors belong in one bargaining unit. The County states that the General Inspector I is an entry level position with natural progression to a General Inspector II. (The Union points out that they now represent Civil Engineer I, II, and III, but do not represent the Civil Engineer IV and V, even though this is also a natural progression. The County replies that the reason that the Civil Engineer IV and V positions are not in the Unit is that they are considered management employees.)

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 where there has been no change in the duties of the employees.

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 General Inspector I 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. There are a total of seventeen (17) employees in the petitioned-for unit.

V

Carpenter's Union Local No. 131, until March 4, 1975, represented the General Inspector I's, General Inspector II's and the Fire Prevention Inspector I's in a single bargaining unit. On the above date, a majority of the employees voted to decertify in an election conducted by the Department of Labor and Industries. (L & I Case No. 0-1788)

VI

The job classifications for all three classes of Inspectors show that their duties are very closely related. The General Inspector I is an entry level position with progression to General Inspector II. The skills and working conditions of all Inspectors are very similar.

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 General Inspector I'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