

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of)
TEAMSTERS LOCAL NO. 461 -)
INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN)
& HELPERS OF AMERICA)
Involving certain employees of)
PIERCE COUNTY - (BUILDING)
MAINTENANCE/PARKING LOT))

CASE NO. 2650-E-80-507

In the matter of the petition of)
TEAMSTERS LOCAL NO. 461 -)
INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN)
& HELPERS OF AMERICA)
Involving certain employees of)
PIERCE COUNTY - (DISTRICT COURT)
NO. 1))

CASE NO. 2651-E-80-508

In the matter of the petition of)
TEAMSTERS LOCAL NO. 461 -)
INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN)
& HELPERS OF AMERICA)
Involving certain employees of)
PIERCE COUNTY - (TREASURER'S OFFICE))

CASE NO. 2652-E-80-509

In the matter of the petition of)
TEAMSTERS LOCAL NO. 461 -)
INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN)
& HELPERS OF AMERICA)
Involving certain employees of)
PIERCE COUNTY - (COMMUNITY ACTION)
AGENCY))

CASE NO. 2653-E-80-510

DECISION NO. 1039-PECB
DIRECTION OF ELECTION

Steven B. Frank, attorney at law, appeared on behalf of the petitioner.

Don Herron, Prosecuting Attorney, by Joseph F. Quinn, Deputy Prosecuting Attorney, appeared on behalf of the employer.

Pamela G. Cipolla, General Counsel, appeared on behalf of the intervenor, Washington State Council of County and City Employees, Local 120, AFL-CIO.

On March 14, 1980, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 461 (hereinafter "petitioner") filed four petitions with the Public Employment Relations Commission seeking to represent certain employees of Pierce County (hereinafter "county") in the following departments: Treasurer's Office, District Court No. 1, Building Maintenance/Parking Lot, and Community Action Agency. Washington State Council of County and City Employees, Local 120 (hereinafter "intevenor") intervened as the incumbent bargaining representative of the employees sought by the petitioner. A prehearing conference was held on April 11, 1980, at which time, the issues to be decided were identified as:

1. Whether in each of the four cases, the petitioned for unit is appropriate.
2. Whether in each of the four cases, severance is proper.
3. Whether in each of the four cases, certain individuals and/or classifications should be excluded as supervisory or confidential.

The issue of exclusion was resolved by stipulations. A formal hearing was conducted before Hearing Officer Alan R. Krebs on May 1, 2, and 21, 1980. The parties submitted post-hearing briefs.

POSITIONS OF THE PARTIES

Petitioner argues that the four petitions, as amended during the formal hearing, describe appropriate bargaining units. Petitioner maintains that each department described in the petitions performs a unique function, and employees in the departments have separate supervision, duties, skills and working conditions. Because the bargaining history between the county and the intervenor is viewed by it as inconclusive, petitioner argues that severance issues need not be raised. If the question of severance must be decided, petitioner argues that severance of the proposed bargaining units is appropriate.^{1/}

^{1/} The petitioner makes reference in its brief, at page 3, to the need to exclude certain "extra hire" employees from any appropriate bargaining unit. Neither the employer nor the intervenor argued the point, and the issue was not among those framed at the pre-hearing conference. It is the policy of the Public Employment Relations Commission to include in bargaining units regular part time employees, who have some expectancy of continued employment and ongoing interest in the wages, hours and working conditions of the employees in the bargaining unit. Lake Washington School District, Decision 484 (EDUC, 1978); Tacoma School District, Decision 655 (EDUC, 1979). Casual employees, who lack such expectancy of employment and ongoing interest, are excluded from bargaining units. Tacoma, supra; Renton School District, Decision 706-A (EDUC, 1980). Should "casual" employees present themselves to vote, their ballots would be subject to challenge and any issues concerning their eligibility would be subject to later determination as provided in WAC 391-25-510.

Intervenor argues that the existing bargaining unit is appropriate. Although there has been disagreement over the precise definition of the existing bargaining unit, intervenor contends that severance principles should be determinative. Intervenor argues that the proposed bargaining units are inappropriate because they are fragmentary and contrary to bargaining history.

The county argues that each elected official is a separate "public employer" within the meaning of RCW 41.56 and that bargaining units should reflect the supervision of the elected officials. The county maintains that the Community Action Agency and Building Maintenance/Parking Lot employees constitute a single appropriate bargaining unit because both departments are supervised by the Board of Pierce County Commissioners. The county further contends that employees in the Treasurer's Office and District Court No. 1 each constitute a separate appropriate bargaining unit because separate elected officials supervise those departments.

BACKGROUND

Pierce County government is composed of departments and agencies supervised by elected county officials. The three member Board of Pierce County Commissioners establishes wages and financial benefits for all departments. It also establishes management policy for and supervises departments having appointed directors such as the Community Action Agency, the Personnel Department, and Building Maintenance/Parking Lot. The Personnel Department prepares employment announcements, conducts the selection process, and certifies finalists for interviews when vacancies occur in departments supervised by the Commission. Disciplinary actions taken by these departments must be approved by the Personnel Department.

The Pierce County Treasurer and District Court No. 1 judges are among elected officials supervising separate departments. When new employees are hired in departments supervised by elected officials other than the County Commissioners, the Personnel Department may serve in an advisory capacity. District Court No. 1 follows guidelines similar to the county's merit system and hires employees independently. By agreement, the Treasurer's office utilizes the Personnel Department in hiring practices. Elected officials may also effect disciplinary action without Personnel Department involvement.

Treasurer's Office

The Treasurer's Office is responsible for the county's certified tax records. Located on the eighth floor of the County-City Building, the Treasurer's Office distributes tax funds to taxing districts, monitors district expenditures and invests money according to taxing district resolutions. The Treasurer has final authority to hire new employees from eligibility lists prepared by the Personnel Department, but reserves discretion to name the Deputy Treasurer. The Treasurer also reserves independent disciplinary authority.

Daily operations are directed by supervisors who report to the Treasurer. They train and evaluate the department's 34 employees and make recommendations about disciplinary actions and job assignments. Employees perform clerical and accounting assignments relating to the flow of funds through the Treasurer's Office. Promotional vacancies are posted in the office and are limited to employees in the department. In the event of a reduction in force in another Pierce County office or department, the Treasurer's Office is not compelled to accept a transfer from the affected department.

District Court No.1

District Court No. 1 is a court of limited jurisdiction located on the first, sixth, seventh and ninth floors of the County-City Building. The court has a number of elected judges and appointed commissioners who hear cases involving traffic, civil and criminal matters. The judges appoint their court administrator.

The court's 25 employees perform non-judicial functions such as assisting the judges in court (a capacity similar to a bailiff), preparing correspondence, and receiving and banking monies paid into court. Employees also compile data for the county's computer center and perform other secretarial and administrative jobs associated with the court's operation. Hiring procedures are handled by a court administrator, who advertises vacancies, interviews applicants, and has authority to hire new employees. The individual judges reserve the authority to hire their judicial assistants. Department supervisors direct the employees' daily performance. The court administrator evaluates the employees' performance and, upon the recommendations of department supervisors, makes work assignments. The court administrator has final disciplinary authority over court employees.

Community Action Agency

The Community Action Agency has its primary office in the Pierce County Annex, which is located about four miles from the County-City building. It also operates eight other facilities located throughout the County. Fifteen agency employees work in the annex, and one or more employees work at each of the remote facilities. Five handymen report to the annex, but all work at different locations throughout the county.

The Community Action Agency uses federal grants to provide services to low income and senior citizens. The agency administers grants for such projects as weatherization for low income housing, assistance for low income family energy bills, and senior citizen employment. When funds in a particular grant are depleted, employees are laid off or transferred to a program funded by another grant. Certain agency employees are responsible for clerical and accounting assignments related to Federal grant management. Other employees write grant proposals, review programs, manage funds and operate multi-service centers through which the agency's services are made available to the general public. Designated employees also supervise the handymen who serve as general repairmen for low income and senior citizens.

The agency's executive director has authority to hire new employees from candidates furnished by the Personnel Department. Agency supervisors can make adverse evaluations, and final disciplinary authority, including discharge, is retained by the executive director.

Building Maintenance/Parking Lot

The Building Maintenance/Parking Lot Department is responsible for janitorial services in the County-City Building. The department receives 29 percent of its operating budget from the City of Tacoma, but through an agreement between the city and Pierce County, department employees are considered to be county workers.

Department employees classified as "general maintenance mechanics" are not at issue here and are represented by various craft unions which did not participate in these proceedings. They repair heating, air conditioning and plumbing systems and service the building's elevators.

The other eighteen department employees perform janitorial, housekeeping and security functions under the direction of a custodian supervisor who has authority to make work assignments and to recommend disciplinary actions to his superior. The County-City Building Superintendent must seek approval from the Personnel Department for the disciplinary measures. New employees are hired by the superintendent from lists provided by the Personnel Department.

BARGAINING HISTORY

The parties filed a stipulation as to bargaining history, from which it appears that Pierce County employees have been represented by various labor organizations, including petitioner and intervenor since 1937. Intervenor signed a labor agreement with the county in 1960, representing certain employees under the County Commissioner's jurisdiction. In 1965, intervenor was voluntarily recognized as bargaining representative of employees of the Treasurer's Office.

The first unit recognition development indicated after the effective date of RCW 41.56 came in 1970, when the intervenor was voluntarily recognized as the representative of employees in the Building Maintenance Department after those employees withdrew from Building Services Union Local No. 38.

In 1971, petitioner and intervenor both signed a multi-union master contract with the county. The unions which signed the agreement kept their individual identities as bargaining representatives, and the agreement referred to departments supervised by elected officials separately from departments supervised by the County Commissioners. Seniority was confined to "bargaining units." However, "bargaining units" were not defined in the contract. The master agreement, signed by the County Commissioners, established the wage rates and fringe benefits that county employees would receive. Supplemental agreements dealt with particular working conditions for particular groups of employees.

In 1973, intervenor was certified as bargaining representative of District Court No. 1 employees through proceedings conducted by the Department of Labor and Industries. In the same year, a successor master agreement was executed between seven unions, including the petitioner and intervenor, the County Commissioners, and six elected county officials. No definition of bargaining units is contained in the agreement. The intervenor signed a supplemental agreement specifying particular agreements reached on working conditions in each department it represented. The supplemental agreement was signed by the County Commissioners, the Treasurer and the Auditor.

In 1976, intervenor signed a supplemental agreement on behalf of employees under the jurisdiction of the County Commissioners, Auditor, Treasurer and District Court No. 1 Judges. The intervenor also signed an addendum agreement covering only employees in the Treasurer's Office.

For calendar year 1977, the intervenor and petitioner were among unions signing a master agreement with the county. Intervenor also signed a supplemental agreement with the Treasurer, Auditor, District Court Judges, Superior Court Judges, and the County Commissioners. A separate agreement was signed by the intervenor and the Treasurer covering only that particular department for 1977 and 1978.

In 1978, intervenor signed a new master agreement along with several other unions. The agreement defined seniority as continuous service within a bargaining unit. "Bumping rights" were limited to similar or lower job classifications, within budget units, i.e. sections within individual departments. Apart from the master agreement, intervenor signed a supplemental agreement covering the Treasurer, Auditor, District Court Judges and Superior Court Judges. The supplemental agreement recognized intervenor as exclusive bargaining representative of employees in specified job classifications within the above listed departments and offices; but did not otherwise define the bargaining unit's scope.

During the month of October, 1978, the county voluntarily recognized intervenor as exclusive bargaining representative of employees in the Community Action Agency.

In 1979, intervenor was signatory to a master agreement which provided that bargaining representatives could be voluntarily recognized for employees in departments where representatives had more than 50% of the employees as members. The master agreement defined seniority as continuous service within all county departments while within respective bargaining units. "Bumping rights" were limited to present or lower job classifications within budget units unless otherwise provided in supplemental agreements. Intervenor signed a supplemental agreement specifying that the bargaining unit was to prevail in the event of layoffs, demotions or transfers, but neither agreement defined the scope of the bargaining unit(s).

DISCUSSION:

The county's arguments are premised, in part, on the erroneous assumption that repealed WAC 391-20-145 has some applicability in this

situation. That emergency rule purported to set forth specific "severance" criteria. The rule expired on February 1, 1978, when Chapter 391-21 WAC became effective. During the pendency of these proceedings, Chapter 391-21 WAC has, in turn, been repealed and replaced. Chapter 391-25 WAC now controls representation cases. Neither Chapter 391-21 WAC nor Chapter 391-25 WAC contains a provision similar to WAC 391-20-145. As observed in Bremerton School District, Decision 527 (PECB, 1978) cited by the county, the Commission has embraced Mallinckrodt Chemical Works, 162 NLRB 387 (1966), wherein the NLRB specifically noted a need for avoidance of hard and fast definitions of severance criteria. 162 NLRB at 398.

The county's arguments based on the premise that Zylstra v. Piva, 85 Wn.2d 743 (1975) is controlling are similarly inapposite. The Zylstra case involved persons who were employed at Remann Hall, the Pierce County juvenile facility. Those persons were found to be employees of Pierce County for purposes of bargaining wages and wage-related matters; but were found to be employees of the State for purposes other than wages and wage-related matters. The Court held that those individuals were not employees within the meaning of RCW 41.56 with respect to those aspects of their employment controlled by the Superior Court, for the reason that the Superior Court was not an employer within the meaning of RCW 41.56. The same reasoning does not apply in these cases because the facts are different. Like the Superior Court judges, the Pierce County Treasurer and the judges of District Court No. 1 are elected separately from the members of the Board of Pierce County Commissioners. But the similarity ends there. The Pierce County Treasurer, the judges of District Court No. 1 and the commissioners are all officials of the political subdivision of the State of Washington which is known as Pierce County. RCW 41.56.030(1) and (2) expressly contemplate that both "commissioners" and other "elected officials" are public employers within the meaning of RCW 41.56. Therefore, even if as argued by the County there are some "joint employer" situations to be found among these cases, all possible joint employers are nevertheless "public employer(s)" and all of the employees are "public employees" for all aspects of their employment. The jurisdictional facts of the Zylstra case being absent from this situation, the unit determinations in each of these cases must be made on the criteria set forth in RCW 41.56.060 rather than along simplistic lines established exclusively according to identification of the elected county official to which the particular employee or group of employees reports.

The county acknowledges, at page 7 of its brief, that considerable fragmentation of bargaining units exists now and has existed historically within the county's workforce. The provision of the 1979

agreement under which the county agreed to voluntarily recognize a union as the representative of any group in which it showed majority support, and to add that group to the coverage of the existing contract, is suggestive of the methodology by which the "bargaining unit" claimed by Local 120 arrived at the shape and size it possessed at the time the petitions were filed in these cases. Local 120 points out, at page 5 of its brief, that the county's former personnel director took a very informal approach to unit definition and representation questions. The stipulation of the parties as to bargaining history thus merely confirms the piecemeal growth of the group of Pierce County employees represented by Local 120.

Local 120 argues at length against the evils of "severance" and "fragmentation". Severance and fragmentation are evils only if they undermine or destroy a rationally based and statutorily appropriate bargaining structure. That is not the situation here. Any reasonable reading of the bargaining history in Pierce County dictates a conclusion that the group of county employees represented by Local 120 defies description as a single bargaining unit on any basis other than designation of Local 120 as bargaining representative at some point in time. Selection by two or more dissimilar groups of a common labor organization to represent them cannot be deemed a controlling factor in unit determination, as the statute protects the right of employees to change their designation of an exclusive bargaining representative. There is no way to tie a ribbon of logic or reason around this grouping born of separate recognitions along lines of extent of organization so as to make a conclusion of law that it is a single appropriate bargaining unit within the meaning of RCW 41.56.060. Unit determinations are the province of the Public Employment Relations Commission under the statute. City of Richland, Decision 279-A (PECB, 1978), aff'd. Benton County Superior Court (1979). The parties cannot bind the Commission by their stipulations of issues, and it is concluded that "severance" principles are inapplicable in these cases because there is no "whole" from which to worry about severing fragments or parts.

Local 120 raises a concern that a decision against it in this case would necessarily lead to fragmentation of bargaining units in every county in the State where the traditional form of county government remains in effect. That concern is unfounded. The Commission has certified multi-department or county-wide bargaining units in a number of cases in addition to the Lewis County case cited by Local 120 in its brief.^{2/} The

2/ See: Franklin County, Decision 188 (PECCB, 1977); Franklin County, Decision 309 (PECB, 1977); Lewis County, Decision 368 (PECB, 1978); Grant County, Decision 435 (PECB, 1978); Lincoln County, Decision 552 (PECB, 1978); Pacific County, Decision 578 (PECB, 1979); Grant County, Decision 679 (PECB, 1979).

fact that there have not been more such cases is likely more reflective of a pattern of organization along "extent of organization" lines rather than any adversity by the Commission toward broad units. In fact, some preference for generic bargaining units has been evidenced by the Commission,^{3/} and some of the obviously fragmented units have been certified with apologies to the accidents of history.^{4/}

The overall extent of organization of Pierce County employees will not be affected by these proceedings. Even the number of labor organizations representing employees of the county will remain the same, as both of the contending organizations will continue to represent employees in bargaining units unaffected by these proceedings. The history of joint negotiations, at least up through 1979, and the practice of the parties of grouping all of the employees represented by a particular labor organization together for the purposes of negotiating the supplemental agreement signed by that organization with the County, present circumstances which suggest that the most that would happen as a result of these proceedings is that there could be some re-arranging of bargaining representatives within what has been the pattern of labor relations in the county. If anything, the evidence of the history of common negotiations and the joint contracting by both of these labor organizations on key bargainable subjects of wages and benefits weakens the claim of either organization that the employees which it represents constitute a distinct bargaining unit separate and apart from the other employees involved in the joint negotiations.

Local 120 concedes in its brief that the petitions have been supported by sufficient showings of interest, but argues that the desires of employees are not controlling. Where either of two possible bargaining units is found to be appropriate, a unit determination election can be directed to determine the desires of the employees.^{5/} This has recently been done in Mukilteo School District, Decision 1008 (PECB, 1980). However, a "Globe" election cannot be conducted where one of the unit alternatives would not be an appropriate unit. See: Clark County, Decision 290-A (PECB, 1977). Direction of a unit determination election giving employee desires a controlling weight in these cases would require a finding that the existing Local 120 unit is itself appropriate and, for reasons already indicated, that is not a finding which is forthcoming on this record.

3/ See: City of Tacoma, Decision 204 (PECB, 1977); Port of Seattle, Decision 890 (PECB, 1980); City of Bellingham, Decision 792 (PECB, 1979).

4/ See: City of Seattle, Decision 140/141 (PECB, 1976); King County, Decision 360 (PECB, 1978).

5/ See: Globe Manufacturing and Stamping Co., 3 NLRB 294 (1937).

The employees in the Treasurer's office perform work generally of a clerical and related nature. They have a history of lack of interchange with other employees of the county, they have separate supervision and they have separate seniority rights. They have a history of bargaining marked by organization at a separate time, sometimes separate negotiations, and then finally of joint negotiations with groups larger than the group represented by Local 120. Under the duties, skills and working conditions criteria, they have an identifiable community of interest among themselves.

The employees in the District Court No. 1 also perform work in the clerical and related generic category. They have even stronger evidence of separate supervision, stemming from use of an entirely separate personnel process. They also have separate seniority rights and an absence of interchange with other county employees. This bargaining unit was certified separately by the Department of Labor and Industries, and the evidence continues to indicate a separate community of interest.

The employees of the Community Action Agency are a diverse group, with some performing work of a clerical and related nature while others perform work of a skilled or semi-skilled nature involving building maintenance and construction. The employees in the agency share common supervision, but their direct supervision is separate from that of any of the other employees involved in these cases. They also have a history of organization at a separate point in time, and an identifiable community of interest.

The employees in the Building Maintenance/Parking Lot group perform work of a generally blue collar - non-craft generic type. They have separate supervision and seniority and personnel structures which distinguish them from any of the other employees involved in these cases. They have a history of representation as a group by an organization other than Local 120 prior to their designation of Local 120 as their representative. They, too, constitute an identifiable separate unit.

By application of the unit determination criteria specified in RCW 41.56.060, it is therefore concluded that each of the units petitioned for by Teamsters Local 461 is an appropriate unit for the purposes of collective bargaining. Elections are directed accordingly.

FINDINGS OF FACT

1. Pierce County, its officers and agents, is a County of the State of Washington.

2. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 461, a "bargaining representative", timely filed petitions in the four proceedings identified above.

3. Washington State Council of County and City Employees, Local 120, AFL-CIO, a "bargaining representative", timely moved for intervention in these proceedings. The intervenor has, at separate times, been voluntarily recognized as the exclusive bargaining representative of employees of the Pierce County Treasurer's office, the Community Action Agency, and the Building Maintenance/Parking Lot Department. Intervenor was certified by the Department of Labor and Industries as representative of employees in District Court No. 1.

4. Pierce County government is composed of departments and agencies supervised by elected county officials. The Pierce County Board of Commissioners establishes wages and wage-related benefits for all county employees and supervises the Community Action Agency and the Building Maintenance/Parking Lot Department. The Pierce County Treasurer and District Court No. 1 judges exercise independent supervisory authority over employees in their respective departments.

5. Collective bargaining between Pierce County and labor organizations representing county employees was conducted in the period prior to the filing of the petitions in these cases in a manner such that the Board of Pierce County Commissioners executed a joint master labor agreement with multiple labor organizations setting wage rates and fringe benefits for all organized county employees. Supplemental agreements detailing specific work conditions were executed between individual labor organizations, the commissioners, and other involved elected officials covering employees represented by the different labor organizations. None of those agreements precisely defined the scope of the bargaining unit or units covered.

6. The employees in the Treasurer's office, District Court No. 1 and some of the employees in the Community Action Agency possess skills and perform duties generally of a clerical and related nature; but those departments operate under separate supervision and personnel procedures, there is no routine interchange of employees in the completion of their assigned functions, and employees have distinct and separate seniority and working conditions along departmental lines.

7. The non-clerical employees of the Community Action Agency share common supervision and working conditions with the clerical employees in the community action agency, but have distinct and different duties and skills involving construction and maintenance of privately owned buildings within the county. They have no interchange with the employees in the Building Maintenance/Parking Lot department.

8. The employees in the Building Maintenance/Parking Lot department have duties and skills involving the non-craft work of maintenance of County-owned or operated buildings. They have entirely separate and distinct direct supervision, seniority and working conditions within their department.

CONCLUSIONS OF LAW

1. All of the employees involved in these proceedings are "public employees" within the meaning of RCW 41.56.030(2) for all aspects of their employment, and the Public Employment Relations Commission has jurisdiction in this matter pursuant to RCW 41.56.050.

2. A unit composed of all employees in the Pierce County Treasurer's office, excluding the Treasurer and Chief Deputy and all other employees of Pierce County, is an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060; and a question concerning representation presently exists in that unit.

3. A unit composed of all Custodian I's, Custodian II's, Parking Lot Attendants, and full-time watchmen of the Building Maintenance/Parking Lot department, excluding the Custodian Supervisor, the County-City Building Superintendent and all other employees of Pierce County, is an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060; and a question concerning representation presently exists in that unit.

4. A unit composed of all employees of District Court No. 1, excluding Judges, Court Commissioners, Court Administrator and all other employees of Pierce County, is an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060; and a question concerning representation presently exists in that unit.

5. A unit composed of all employees of the Community Action Agency, excluding the Executive Director, the Service Center Director, the Clerk III and all other employees of Pierce County is an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060; and a question concerning representation presently exists in that unit.

DIRECTION OF ELECTIONS

1. An election by secret ballot shall be conducted under the direction of the Public Employment Relations Commission among all employees of the Pierce County Treasurer's office, excluding the Treasurer and Chief Deputy and all other employees of Pierce County, for the purpose of determining whether a majority of such employees desire to be represented for the purposes of collective bargaining by Washington State Council of County and City Employees, Local 120, AFL-CIO, or by International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, Local 461, or by neither of said organizations.

2. An election by secret ballot shall be conducted under the direction of the Public Employment Relations Commission among all Custodian I's, Custodian II's, Parking Lot Attendants, and full-time watchmen of the Pierce County Building Maintenance/Parking Lot department, excluding the Custodian Supervisor, the County-City Building Superintendent and all other employees of Pierce County, for the purpose of determining whether a majority of such employees desire to be represented for the purposes of collective bargaining by Washington State Council of County and City Employees, Local 120, AFL-CIO or by International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, Local 461, or by neither of said organizations.

3. An election by secret ballot shall be conducted under the direction of the Public Employment Relations Commission among all employees of District Court No. 1, excluding Judges, Court Commissioners, Court Administrator, and all other employees of Pierce County, for the purpose of determining whether a majority of such employees desire to be represented for the purposes of collective bargaining by Washington State Council of County and City Employees, Local 120, AFL-CIO, or by International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, Local 461, or by neither of said organizations.

4. An election by secret ballot shall be conducted under the direction of the Public Employment Relations Commission among all employees of the Pierce County Community Action Agency, excluding the Executive Director,

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the Service Center Director, the Clerk III and all other employees of Pierce County, for the purpose of determining whether a majority of such employees desire to be represented for the purposes of collective bargaining by Washington State Council of County and City Employees, Local 120, AFL-CIO, or by International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, Local 461, or by neither of said organizations.

DATED at Olympia, Washington this 17th day of December, 1980.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director