

Spokane Transit Authority, Decision 5641 (PECB, 1996)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
CLAUDIA OLSON)	CASE 12610-E-96-2115
Involving certain employees of:)	DECISION 5641 - PECB
SPOKANE TRANSIT AUTHORITY)	ORDER OF DISMISSAL
_____)	

On July 22, 1996, Claudia Olson filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, seeking to decertify the Amalgamated Transit Union (union) as the exclusive bargaining representative of certain employees of the Spokane Transit Authority (employer). The petition identified four employees by name, and it described the bargaining unit in terms of four job titles in "Budget & Accounting".

In response to a routine request made by the Commission staff, the employer supplied a copy of the collective bargaining agreement between the union and employer which is in effect for the period from September 15, 1994 through September 30, 1996. Examination of Appendix A to that collective bargaining agreement discloses the following list of covered classifications:

- Coach Operator
- Training Instructor
- Foreperson Spec 1st Class
- Foreperson
- Leadperson 1st Class
- 1st Class Mechanic
- 2nd Class Mechanic
- 3rd Class Mechanic
- 1st Class Bldg. Maint.
- 2nd Class Bldg. Maint.

Custodian Laborer
Servicer
Cleaner
Payroll Specialist
Accounting Technician
Accounting Specialist
Cashier
Dispatch Clerk
Clerk/Typist
Clerk/Typist Assistant
Lead Data Technician
Data Technician
Telephone Operator
Customer Service Rep.
Storeroom Clerk/Buyer
Storeroom Clerk/Typist
Storeroom Accounting Specialist
Parts Room Helper
Paratransit Maint. Foreperson
Para. Maint. Leadperson 1st Class
Para. Maint. 1st Class Mechanic
Para. Maint. 2nd Class Mechanic
Para. Maint. 3rd Class Mechanic
Para. Maint. Servicer/Cleaner

That collective bargaining agreement was accompanied by a list, filed pursuant to WAC 391-25-430, of the approximately 354 employees covered by the agreement. The petition sought a "severance decertification" affecting only the employees in the accounting technician, payroll specialist, accounting specialist, and cashier classifications.

The Commission has long held that a "decertification" petitioner must take the existing bargaining unit as they find it, and that a group of employees cannot decertify only a portion of an existing bargaining unit. See, City of Seattle, Decision 1229-A (PECB, 1982). Similarly, neither the employer nor an incumbent exclusive bargaining representative is entitled to use a decertification petition as a vehicle for making adjustments to the bargaining unit then in existence. In this case, the petitioners seek to decertify the union only for a very small group that has historically been within a much larger bargaining unit. The petition must be dismissed.


NOW, THEREFORE, it is

ORDERED

The petition for investigation of a question concerning representation filed in the above-captioned matter is DISMISSED.

DATED in Olympia, Washington, this 4th day of September, 1996.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-25-390(2).