

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of)	
TEAMSTERS UNION LOCAL NO. 589)	CASE NO. 3278-E-81-633
Involving certain employees of)	DECISION NO. 1144 - PECB
CITY OF PORT ORCHARD)	DIRECTION OF ELECTION
<hr/>		

Doug Bush, Business Agent, appeared on behalf of the petitioner.

R. G. Lloyd, Representative, appeared on behalf of the employer.

Harry Laube, Representative, Washington State Council of County and City Employees, appeared on behalf of the intervenor.

On February 23, 1981, Teamsters Union Local No. 589-IBT, filed a petition seeking certification as the representative of all employees of the City of Port Orchard, excluding financial department employees, all personnel represented by another bargaining unit, guards, professionals and supervisors as described in the Act. A formal hearing was held on March 18, 1981 before J. T. Cowan, Hearing Officer. The intervenor was allowed a period of one week following issuance of the transcript to file a written statement of its position; but none was received.

POSITION OF THE PARTIES:

Teamsters Local 589 has petitioned and continues to seek certification for the unit as defined. No objection was raised by either the city or the intervenor-incumbent bargaining representative.

STATUTORY AUTHORITY:

Jurisdiction in this matter is derived from RCW 41.56.060:

"The commission, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. In determining, modifying or combining the bargaining unit, the commission shall consider the duties, skills and working

conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desires of the public employees..."

DISCUSSION:

The parties stipulated that the City of Port Orchard is a public employer; that both Teamsters Local No. 589 and the Washington State Council of County and City Employees are labor organizations within the meaning of the Act; and that the Public Employment Relations Commission has jurisdiction in this proceeding.

The incumbent exclusive bargaining representative of some of the petitioned for employees, Washington State Council of County and City Employees, was represented at the hearing but presented no testimony. The WSCCCE requested the opportunity to submit written input following the completion of the hearing and after receipt of the transcripts. That request was granted and the statement was to be received within one week following receipt of the transcript. The transcript was distributed on Tuesday, April 14, 1981, and nothing further has been received from the incumbent.

Since there is no dispute concerning the unit as petitioned and no other matters remain in dispute, a secret election will be ordered in the unit petitioned for.

FINDINGS OF FACT

1. The City of Port Orchard is a municipal corporation of the State of Washington, located in Kitsap County.
2. Teamsters Local No. 589, a bargaining representative, claims to represent a majority of the employees in the proposed bargaining unit. It filed a timely and sufficient showing of interest in support of its petition.
3. Washington State Council of County and City Employees, a bargaining representative, intervened in the proceeding but did not submit testimony or raise objections.
4. The parties have raised no contested issues for determination herein.

CONCLUSIONS OF LAW

1. A unit consisting of all employees of the City of Port Orchard, excluding the financial department, all personnel represented by another bargaining unit, guards, professionals and supervisors, is an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060.

2. A question concerning representation has arisen in the appropriate bargaining unit described in paragraph 1 of the conclusions of law; and such question concerning representation can appropriately be resolved under RCW 41.56.060 and WAC 391-21-128 by an election.

NOW, THEREFORE, it is

ORDERED

An election by secret ballot shall be conducted under the direction of the Public Employment Relations Commission to determine whether a majority of the employees in the bargaining unit described as: all employees of the City of Port Orchard, excluding the Financial Administration Department, all personnel represented in another bargaining unit, Guards, Professionals and Supervisors as described in the Act, desire to be represented by Teamsters Local 589 or by Washington State Council of County and City Employees, AFL-CIO, or by neither of said organization as their exclusive bargaining representative.

DATED at Olympia, Washington this 28th day of April, 1981.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director