

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition)	
of:)	CASE NO. 6278-E-86-1115
)	
TEAMSTERS UNION, LOCAL 252)	DECISION NO. 2550 - PECB
)	
Involving certain employees of:)	
)	
CITY OF OCEAN SHORES)	DIRECTION OF ELECTION
)	
)	

Michael M. Mauermann, Business Representative, appeared on behalf of the petitioner.

Robert L. Olander, City Manager, appeared on behalf of the employer.

On March 10, 1986, Teamsters Union Local 252 (petitioner) filed a petition with the Public Employment Relations Commission, seeking investigation of a question concerning representation among certain employees of the City of Ocean Shores (employer). A pre-hearing conference was conducted on April 14, 1986. A statement of results of pre-hearing conference was issued, specifying that the parties were in dispute over the propriety of the proposed bargaining unit. A hearing was conducted on May 12, 1986, in Ocean Shores, Washington, before Hearing Officer Kenneth J. Latsch. The parties submitted post-hearing briefs.

BACKGROUND

Located in Grays Harbor County, the City of Ocean Shores provides a variety of municipal services for its 2500 permanent residents.

A local union of the International Association of Fire Fighters represents a bargaining unit of firefighting employees of the city. Teamsters Union Local 252 represents a bargaining unit of operations and maintenance employees in the city's public works department and a separate bargaining unit of police officers and dispatchers. The group at issue in these proceedings, consisting primarily of clerical workers, is not represented for purposes of collective bargaining.¹

The employees involved in this matter work at several locations. The largest number of clerical employees work in the Ocean Shores City Hall. Generally classified as clerk I or clerk II, these employees report to the city's clerk/treasurer, Hester Ihrig. For the most part, these clerical employees deal with a variety of utility billing and customer service matters during the course of a normal work day. In the instant petition, unlike the earlier proceedings, Local 252 seeks to have the secretary to the Ocean Shores Convention Center manager and the library clerk included in the bargaining unit.

¹ The clerical employees in the city hall were the subject of an earlier petition filed by Local 252. In City of Ocean Shores, Decision 2064 (PECB, 1984), an election was directed in a bargaining unit described as:

All full-time and regular part-time office-clerical employees of the City of Ocean Shores, excluding elected officials, confidential employees and supervisors.

The record in the instant case indicates that the factual background set forth in that decision remains accurate, as it pertains to the central office clerical personnel, and that the parties do not question the propriety of allowing the central office clerical employees the right to vote in an election. However, the two petitions are not identical.

POSITIONS OF THE PARTIES

Petitioner contends that it seeks an appropriate bargaining unit, and that the convention center secretary and the library clerk are clerical employees who should be included in the unit. Petitioner notes that the two disputed positions are really clerical in nature, and that the employees holding the positions share a community of interests with the city hall clerical staff.

The employer maintains that petitioner is seeking an inappropriate bargaining unit. The employer argues that petitioner should confine the scope of the proposed unit to the same employees discussed in City of Ocean Shores, Decision 2064 (PECB, 1984). The employer maintains that the city hall clerical group shares a true community of interests that does not extend to the two disputed positions. Given the physical separation from city hall and the divergent duties expected of the convention center secretary and the library clerk, the employer contends that those two positions cannot be included in the proposed bargaining unit. In making these arguments, the employer does not assert that the affected employees possess supervisory authority or have a confidential relationship with city officials in labor relations matters.

DISCUSSIONConvention Center Secretary

The Ocean Shores Convention Center is located near the city hall. According to an organization chart provided by the employer, the center is considered to be a city department, and Convention Center Manager Lorna Valdez reports directly to City Manager Robert Olander. Valdez is primarily responsible for marketing

the convention center to interested groups. Valdez's office is located at the center, and the record indicates that center personnel have little contact with city hall employees.

Valdez's secretary, Karen Ellingsen, also works at the convention center. Ellingsen works from 9:00 A.M. to 6:00 P.M. On a daily basis, Ellingsen answers the telephone, does typing, and assists clients if they have any questions about the center's operation. Ellingsen also coordinates the center's maintenance crew, and insures that part-time maintenance employees are scheduled during peak operating periods.

Valdez testified that Ellingsen spends 50% to 75% of her time in marketing activities. While Valdez is primarily responsible for showing the facility to interested parties, Ellingsen has also provided such tours. Ellingsen gave conflicting testimony, saying that she spends approximately 20% of her time in marketing, and about 60% of her time in post-marketing coordination. In other words, Ellingsen believes that she is responsible for the various details that must be addressed after the center has been rented to a group for a particular occasion. This attention to detail may involve such matters as times for specific events, room arrangement, and food and beverage requirements.

Valdez further testified that Ellingsen could make center reservations in Valdez's absence, and was allowed some range of discretion in such matters. Ellingsen testified that she never made any arrangements for the use of the facility if Valdez was not present, and that in the last three instances where Valdez was gone from the center, Ellingsen only worked on pre-arranged assignments.

Library Clerk

The Ocean Shores Public Library is operated under the general policy direction of a board of trustees. The library receives funding from the city through the annual budget process, but the final decision on how the money is to be spent rests with the library board of trustees. While final hiring and dismissal authority is somewhat ambiguous, the library typically defers such matters to the city for decision.

The library is located approximately three blocks from the city hall. Librarian Judy Stull is responsible for the library's daily operation. Library Clerk Margaret Shriner reports to Stull. Shriner is responsible for a variety of activities at the library building, routinely handling tasks such as answering reference questions, processing inter-library loans, shelving books, preparing library cards, typing and filing. The record indicates that Shriner also has considerable contact with the public, including responsibility for the library when it is open on Saturdays. Apart from one volunteer assignment, Shriner has never worked at city hall. Her only regular contact with the city hall operation seems to be daily mail work.

Fragmentation

While the library clerk and the convention center secretary work in different locations and under separate supervision than do the city hall clerical employees, they nevertheless perform the same generic "clerical" type of work. The library clerk and the convention center secretary do not have independent authority to make decisions on behalf of the employer, and they are expected to follow the directions given them by their superiors. Moreover, literal application of the employer's arguments for exclusion of the two disputed positions from the petitioned-for

unit would cause unnecessary fragmentation in the collective bargaining structure, and could have the net effect of "stranding" those public employees in "one-person" units without the right to be represented for purposes of collective bargaining. City of Issaquah, Decision 395-C (PECB, 1978). Such a result must be avoided whenever possible.

FINDINGS OF FACT

1. The City of Ocean Shores is a municipal corporation of the State of Washington and is a "public employer" within the meaning of RCW 41.56.030(1).
2. Teamsters Union, Local 252 is a "bargaining representative" within the meaning of RCW 41.56.030(3). The union timely filed a petition for investigation of a question concerning representation concerning clerical employees of the City of Ocean Shores.
3. Most of the clerical and related employees of the City of Ocean Shores work at the city hall under the direction of the clerk/treasurer.
4. Karen Ellingsen is the secretary to the manager of the Ocean Shores Convention Center. While she works at a remote location from the city hall, Ellingsen's duties are generally clerical in nature.
5. Margaret Shriner is the library clerk at the Ocean Shores Public Library, working under the direction of the librarian. Her duties are primarily clerical in nature.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction

in this matter pursuant to Chapter 41.56 RCW.

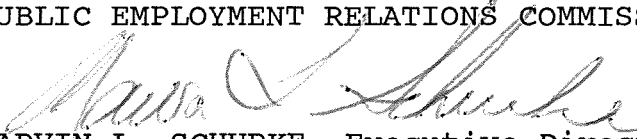
2. A bargaining unit consisting of all full-time and all regular part-time clerical and related employees of the City of Ocean Shores, excluding elected officials, confidential employees and supervisors, is an appropriate unit for bargaining within the meaning of RCW 41.56.060, and a question concerning representation presently exists in that unit.
3. Karen Ellingsen and Margaret Shriner are public employees within the meaning of RCW 41.56.030(2), and are eligible voters in proposed bargaining unit described in paragraph 2 of these conclusions of law.

DIRECTION OF ELECTION

A representation election by secret ballot shall be held under the direction of the Public Employment Relations Commission in the bargaining unit described in paragraph 2 of the foregoing Conclusions of Law, to ascertain whether the employees desire to be represented for the purposes of collective bargaining by Teamsters Union, Local 252.

DATED at Olympia, Washington, this 30th day of October, 1986.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing timely objections with the Commission pursuant to WAC 391-25-590.