

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
TEAMSTERS LOCAL 760) CASE 8692-E-90-1462
Involving certain employees of:) DECISION 3663 - PECB
CITY OF EAST WENATCHEE) DIRECTION OF ELECTION
_____)

Fred Meiner, Business Representative, appeared on behalf of the petitioner.

Ogden Murphy Wallace, by Gil Sparks, Attorney at Law, and Hon. Richard McGraw, Mayor, appeared on behalf of the employer.

Teamsters Local 760 filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission on July 12, 1990. The union sought certification as exclusive bargaining representative of certain employees in the Police Department of the City of East Wenatchee.

A routine letter was directed to the employer by the Commission, providing copies of the "notice" required by WAC 391-25-140, and soliciting a list of employees. The response submitted by the mayor indicated that the employer contested the inclusion of two clerks, Nancy Lynn and Jeanne Bryant, on the basis that they were "non-uniformed non-commissioned police department personnel.

Issues as to the scope of the bargaining unit were framed during a pre-hearing conference conducted in the matter, and were confirmed in a letter filed by counsel for the employer in response to the pre-hearing conference. Thereafter, the union modified its proposed bargaining unit, to exclude the clerk positions held by Nancy Lynn and Jeanne Bryant from its proposed bargaining unit.

The Executive Director has considered the matter, and is satisfied that no issues remain which preclude an expeditious determination of the question concerning representation. The union's withdrawal of its claim concerning the clerks has met the objections stated by the employer, and has left a group limited to law enforcement officers who can properly be described as such. The Executive Director thus makes and issues this Direction of Election pursuant to WAC 391-08-230.

FINDINGS OF FACT

1. The City of East Wenatchee is a public employer within the meaning of RCW 41.56.020 and 41.56.030(1).
2. Teamsters Local 760, a bargaining representative within the meaning of RCW 41.56.030(3), has filed a timely and properly supported petition for investigation of a question concerning representation, seeking certification as exclusive bargaining representative of non-supervisory law enforcement officers employed by the City of East Wenatchee.
3. The withdrawal by the union of its claim to represent clerks employed in the East Wenatchee Police Department leaves no issue concerning the scope of the bargaining unit or the list of employees eligible to vote on representation.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW and Chapter 391-25 WAC.
2. A bargaining unit consisting of all non-supervisory law enforcement officers employed by the City of East Wenatchee,

excluding the Chief of Police, supervisors, confidential employees, non-commissioned personnel and all other employees of the employer, is an appropriate unit for the purposes of collective bargaining under RCW 41.56.060, and a question concerning representation presently exists in such unit under RCW 41.56.070.

DIRECTION OF ELECTION

A representation election shall be conducted by secret ballot, under the direction of the Public Employment Relations Commission, in the appropriate bargaining unit described in paragraph 2 of the foregoing conclusions of law, for the purpose of determining whether a majority of the employees in that unit desire to be represented for the purposes of collective bargaining by Teamsters Local 760 or by no representative.

Dated at Olympia, Washington, this 20th day of December, 1990.

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.