

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS UNION, LOCAL 788,)	
)	
Complainant,)	CASE NO. 2913-U-80-423
)	
vs.)	DECISION NO. 1210-A PECB
)	
CITY OF ANACORTES,)	
)	
Respondent.)	DECISION OF COMMISSION

Under date of July 28, 1981, Examiner Kenneth J. Latsch issued his findings of fact, conclusions of law and order in the above captioned matter, wherein he concluded that no unfair labor practice had been committed. Teamsters Union, Local 788, filed a timely petition with the Public Employment Relations Commission for a review of the Examiner's decision.

In its petition for review and supporting brief, the complainant takes issue with the Examiner's conclusion that the provisions of the collective bargaining agreement between the parties deferring employee discipline questions to previously existing civil service procedures constitutes waiver of the union's bargaining rights as to the announcement and implementation of a new penalty policy. Additionally, the union contends the announced penalty policy is, in and of itself, a unilateral change of working conditions. The employer filed no brief in response to the petition for review. However, the Commission notes that both of the union's arguments were advanced by the union before the Examiner and were addressed by the Examiner in his decision. The fact remains that application of the penalty policy at issue to any employee merely gives rise to a right of that employee to have the discipline reviewed through the civil service procedures incorporated by reference into the collective bargaining agreement. The civil service standards and procedures have not been changed, and when applied in the one actual case noted in this record, they resulted in rejection of the police chief's penalty policy and reduction of the discipline assessed. We concur with the Examiner's conclusions, both as to waiver by the union of its opportunity to bargain disciplinary standards during the life of the


collective bargaining agreement and as to the absence of proof of any substantive change in the rights of bargaining unit employees.

The findings of fact, conclusions of law and order of the Examiner are affirmed.

DATED this 11th day of December, 1981.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


JANE R. WILKINSON, Chairman


R. J. WILLIAMS, Commissioner

Commissioner Mark C. Endresen
did not participate in the
consideration or decision of
this case.