

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS LOCAL UNION NO. 788,)	
)	
Complainant,)	CASE NO. 3652-U-81-549
)	
vs.)	DECISION NO. 1493-B PECB
)	
CITY OF ANACORTES,)	ORDER
)	
Respondent.)	

John Burns, attorney at law, appeared on behalf of the union.

Steve Mansfield, city attorney, appeared on behalf of the employer.

On August 20, 1982, the undersigned Examiner issued findings of fact, conclusions of law and order in the above entitled matter, wherein it was determined that the City of Anacortes had violated RCW 41.56.140(4) by unilaterally changing paydays for employees represented by Teamsters Local Union No. 788. In a letter addressed to the Executive Director of the Commission under date of August 24, 1982, the City of Anacortes called attention to negotiations between the parties and an agreement on paydays reached subsequent to the close of the hearing. Accordingly, the city raised questions concerning the terms of the remedial order and notice for posting as framed by the Examiner. That correspondence was referred to the undersigned for action and, by letter dated August 31, 1982, the remedial order issued on August 20, 1982 was withdrawn under the authority granted by WAC 391-45-330.^{1/} Subsequently, the union filed a petition for limited review or modification of the Examiner's remedial order, claiming that interest should have been awarded on deferred wages. Since the order had already been withdrawn, no action was taken on the union's petition for review and the union was so notified by the Executive Director on September 14, 1982.

^{1/} Although not appearing on the document itself, Decision 1493-A PECB has been assigned to the Examiner's August 31, 1982 order withdrawing the remedial order portion of Decision 1493.

Stipulations filed by the parties now disclose that, by an agreement reached on June 24, 1982, the parties have agreed that paydays will be the second and fifteenth of the month. There is no need for a prospective bargaining order or for reinstatement of the original payday practices. The order has been amended accordingly.

The union correctly points out that WAC 391-45-410(3) requires the computation and payment of interest on money amounts due in unfair labor practice remedies. The original order omitted an interest component. That omission has been corrected in the attached order.

AMENDED FINDINGS OF FACT

1. The City of Anacortes is a public employer within the meaning of RCW 41.56.030(1).
2. Teamsters Union Local No. 788 is a labor organization within the meaning of RCW 41.56.010 and is the bargaining representative of certain employees of the city employed in the appropriate bargaining unit described as: all police department and dispatch employees, except the chief of police, the assistant chief of police and the police captain.
3. As of July, 1981, the city and complainant were parties to a collective bargaining agreement which made no specific mention of pay periods and which neither reserved to the employer a right to pay periods nor constituted a waiver of the complainants right to bargain such matters.
4. On July 7, 1981, the city changed the pay schedule for all city employees from paydays on the 1st and 15th of each month to the 5th and 19th of each month.
5. The city did not notify the complainant of the proposed change nor offer to consult or negotiate the matter with the complainant prior to implementation of the change of pay procedure.
6. Subsequent to the hearing in this matter on July 24, 1982, the city and the complainant bargained collectively and reached an agreement controlling payday practices from that time forward.

AMENDED CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction over this matter pursuant to RCW 41.56.

2. By unilaterally implementing changes of paydays in the manner and under the circumstances set forth in findings of fact 4 and 5 above, the city refused to refuse to bargain the subject of pay periods with the complainant, and has committed an unfair labor practice within the meaning of RCW 41.56.140(4).


AMENDED ORDER

It is ordered that

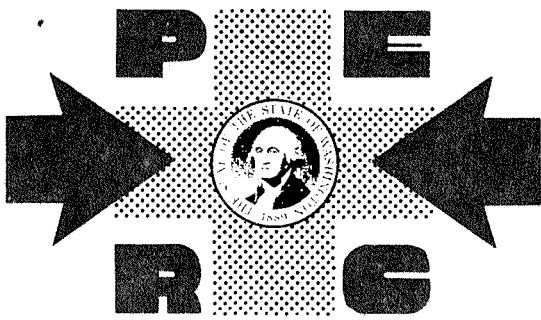
1. The City of Anacortes cease and desist from:
 - a) Refusing to bargain in good faith with Teamsters Local No. 788 as exclusive bargaining representative of the employees of the appropriate bargaining unit.
 - b) Making unilateral changes in wages, hours and working conditions including the practices concerning paydays, without giving prior notice and reasonable opportunity to Teamsters Local No. 788 to bargain with respect thereto.
2. Take the following affirmative action which the Examiner finds will effectuate the policies of RCW 41.56:
 - a) Make employees whole for their losses suffered by reason of the unlawful change of payday practices, by payment to them of interest, at the rate of eight per cent (8%) on funds delayed by the change of payday practices for the number of days delayed, for period of delay occurring prior to July 24, 1982.
 - b) Give notice to and, upon request, bargain in good faith with Teamsters Local 788 as exclusive representative of the city's employees in the appropriate unit with respect to any decision to change paydays.
 - c) Post, in conspicuous places on the employer's premises where notices to all employees are usually posted, copies of the notice attached hereto and marked "Appendix A". Such notices shall, after being duly signed by an authorized representative of the City of Anacortes, be and remain posted for sixty (60) days. Reasonable steps shall be taken by the City of Anacortes to ensure that said notices are not removed, altered, defaced, or covered by other material.
 - d) Notify the Executive Director of the Public Employment Relations Commission, in writing, within twenty (20) days following the date of this Order, as to what steps have been taken to comply herewith, and at the same time provide the Executive Director with a signed copy of the notice required by the preceding paragraph.

DATED at Olympia, Washington this 14th day of December, 1982.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



J. T. COWAN, Examiner



PUBLIC EMPLOYMENT RELATIONS COMMISSION

NOTICE

PURSUANT TO AN ORDER OF THE PUBLIC EMPLOYMENT RELATIONS COMMISSION AND IN ORDER TO EFFECTUATE THE POLICIES OF RCW 41.56, WE HEREBY NOTIFY OUR EMPLOYEES THAT:

WE WILL NOT refuse to bargain collectively with IBT Local No. 788 with respect to wages and pay periods.

WE WILL NOT unilaterally change wages, hours of employment or other terms or conditions of employment without first giving notice and bargaining with respect thereto with IBT Local No. 788.

DATED: _____

CITY OF ANACORTES

By: _____
AUTHORIZED REPRESENTATIVE

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for sixty (60) consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Public Employment Relations Commission, 603 Evergreen Plaza Building, Olympia, Washington 98504. Telephone: (206) 753-3444.

JOHN SPELLMAN
Governor



MARVIN L. SCHURKE
Executive Director

STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

603 Evergreen Plaza • Olympia, Washington 98504 • (206) 753-3444

August 31, 1982

Mr. Stephen E. Mansfield
City Attorney
City of Anacortes
P. O. Box 547
Anacortes, Washington 98221

Mr. John Burns
Hafer, Cassidy & Price
2815 Second Avenue, Suite 410
Seattle, Washington 98121

Re: City of Anacortes
Case No. 3652-U-81-549

Gentlemen:

I am writing in response to Mr. Mansfield's letter of August 24, 1982 to Executive Director Marvin L. Schurke, which has been referred to the undersigned for action.

Mr. Mansfield's letter advances claims of changes of circumstances affecting the propriety of the remedial order issued by the undersigned Examiner in the captioned matter as part of Decision 1493-PECB, issued August 20, 1982. Acting under the authority granted by WAC 391-45-330, I am hereby withdrawing Decision 1493-PECB only insofar as it relates to a remedial order responsive to the violation found. My action under the rule will permit time for the union to respond to Mr. Mansfield's letter without necessity for the City of file a petition for review on the remedial order.

Mr. Burns is requested to file and serve a written response to Mr. Mansfield's letter within ten (10) days following the date of this letter.

Very truly yours,

PUBLIC EMPLOYMENT
RELATIONS COMMISSION

A handwritten signature in cursive script, reading "J. T. Cowan".

J. T. COWAN
Examiner

JTC:mcb