

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
TEAMSTERS UNION, LOCAL 524)	CASE 7924-C-89-422
)	
For clarification of a bargaining)	DECISION 3490 - PECB
unit of employees of:)	
)	
CITY OF GRANDVIEW)	ORDER CLARIFYING
)	BARGAINING UNIT
)	

Davies, Roberts and Reid, by Kenneth J. Pedersen, Attorney at Law, and Joe Tanasse, Business Representative, appeared on behalf of petitioner.

John Maxwell, Attorney at Law, and Roy Wesley, Labor Relations Consultant, ELMS Inc., appeared for respondent.

On April 21, 1989, Teamsters Union, Local 524, filed a petition with the Public Employment Relations Commission, seeking clarification of an existing bargaining unit of employees of the City of Grandview. A hearing was conducted at Yakima, Washington, on January 16, 1990, before Hearing Officer J. Martin Smith. The parties did not file post-hearing briefs.

BACKGROUND

Among other governmental services, the City of Grandview operates and maintains a police department. Dave Charvet is police chief. Labor relations and collective bargaining functions of the employer are provided by Roy Wesley of ELMS, Inc.

Teamsters Union, Local 524 is the exclusive bargaining representative of all of the employees of the employer's police department,

excluding the chief of police.¹ The union and the employer have been parties to a series of collective bargaining agreements since 1985, the latest of which is effective from January 1, 1989 through December 26, 1991.

A position titled "code enforcement officer" has historically been included in the police department work force. At the time of the representation proceedings conducted in 1985, the "code enforcement officer" position was in the process of being eliminated. In 1988, the position was resurrected, however. Barbara Landale was then hired to fill the position.

During negotiations for the parties' 1989-1991 collective bargaining agreement, the union sought to have the code enforcement officer included in the police bargaining unit. The employer did not agree to voluntarily include the position in the bargaining unit, so the union filed this unit clarification petition.

POSITIONS OF THE PARTIES

The union contends that the code enforcement officer position is one of the classifications assigned to the police department, that the chief of police is the primary supervisor of the code enforcement officer, and that both the certification of the bargaining unit and the recognition clause of the current collective bargain-

¹ On December 2, 1985, the Public Employment Relations Commission certified Teamsters Union, Local 524 as exclusive bargaining representative of a bargaining unit described in the certification as:

All regular full time and regular part time employees of the police department, including clerks, dispatchers, matrons and animal control officer. Excluding the chief of police.

City of Grandview, Decision 2351 (PECB, 1985).

ing agreement dictate that the code enforcement officer should be included in the bargaining unit.

The employer declined to voluntarily include the code enforcement officer position in the police department bargaining unit. At the hearing, however, it concurred with the union about the propriety of including the position in the bargaining unit.

DISCUSSION

The authority of the Public Employment Relations Commission to determine bargaining units is set forth in RCW 41.56.060:

RCW 41.56.060 DETERMINATION OF BARGAINING UNIT -- BARGAINING REPRESENTATIVE. 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 employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees. . . .

The Commission is not bound by the agreements of the parties on such matters. City of Richland, Decision 279-A (PECB, 1978), affirmed 29 Wn.App 599 (Division III, 1981), review denied 96 Wa.2d 1004 (1981).

In this case, it is evident that the parties' stipulation should be accepted. Although the code enforcement officer is supervised by both the fire chief and the police chief, the affected employee has sufficient contact with the police dispatcher and other employees

of the police department to align her community of interest with the employees of the police department.

FINDINGS OF FACT

1. The City of Grandview, Washington, is a "public employer" within the meaning of RCW 41.56.030(1). It provides a number of governmental services to its residents, including the operation of a police department.
2. Teamsters Union, Local 524, a "bargaining representative" within the meaning of RCW 41.56.030, is the exclusive bargaining representative of an appropriate bargaining unit of police department employees of the employer.
3. Prior to 1985, the position of "code enforcement officer" was one of the job classifications historically assigned to the police department. The position was left vacant for a period from approximately 1985 to 1988, when it was again filled.
4. The code enforcement officer is under the supervision of the police chief, and has a community of interest in her employment with the members of the existing bargaining unit in the police department.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.
2. The code enforcement officer of the City of Grandview is a "public employee" within the meaning of RCW 41.56.030(2),


whose duties, skills and working conditions warrant inclusion in the police department collective bargaining unit.

ORDER CLARIFYING BARGAINING UNIT

The position of "code enforcement officer shall be included in the bargaining unit.

Dated at Olympia, Washington, this 30th day of May, 1990.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-35-210.