

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
INTERNATIONAL BROTHERHOOD OF)	
ELECTRIAL WORKERS, LOCAL 483)	CASE 11564-C-95-692
)	
For clarification of an existing)	DECISION 5137 - PECB
bargaining unit of employees of:)	
)	
CITY OF SUMNER)	ORDER CLARIFYING
)	BARGAINING UNIT
)	

Steve Swinney, Business Representative, appeared on behalf of the union.

Steve Zamberlin, Assistant City Manager, appeared on behalf of the employer.

On January 31, 1995, International Brotherhood of Electrical Workers, Local 483, filed a petition for clarification of an existing bargaining unit with the Public Employment Relations Commission, seeking inclusion of an "account clerk II" position in a bargaining unit of clerical and technical employees of the City of Sumner which is represented by the union. A pre-hearing conference was held by Hearing Officer Rex L. Lacy on May 11, 1995, at which time the parties entered into an agreement to resolve the matter. This order is issued to accept and implement the parties' stipulations.

At the pre-hearing conference, the employer and the union stipulated that the employee holding the account clerk II position is neither a supervisor nor a confidential employee, and that the employee shares a community of interest with the employees in the existing clerical and technical bargaining unit. Those stipulations were reflected in a statement of results of pre-hearing conference issued on May 16, 1995, and neither party has filed objections to that statement within the time specified.

The Executive Director has considered the matter and concludes that the parties' stipulations in this case are consistent with Commission policy and precedent. The historical unit encompassing all employees in clerical and technical classifications appears to be an appropriate unit for collective bargaining under RCW 41.56.060. The employer has not questioned the continued majority status of the union in the bargaining unit.

FINDINGS OF FACT

1. The City of Sumner is a "public employer" within the meaning of RCW 41.56.030(1).
2. International Brotherhood of Electrical Workers, Local 483, a "bargaining representative" within the meaning of RCW 41.56-.030(3), is the exclusive bargaining representative of an appropriate bargaining unit of clerical and technical employees of the City of Sumner.
3. The employer and union are parties to a collective bargaining agreement that is effective from January 1, 1995 through December 31, 1995.
4. The parties have stipulated that the employee holding the position of account clerk II is not a supervisor or confidential employee, and that the employee holding the position of account clerk II has a community of interest with the employees in the bargaining unit described in paragraph 3 of these findings of fact.
5. No question concerning representation is raised as to the continued majority status of International Brotherhood of Electrical Workers, Local 483.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.
2. A bargaining unit of clerical and technical employees of the City of Sumner is an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060.
3. The classification of account clerk II is held by a "public employee" within the meaning of RCW 41.56.030(2) who shares a community of interest under RCW 41.56.060 with other clerical and technical employees of the City of Sumner.

ORDER

The bargaining unit of clerical and technical employees of the City of Sumner is clarified to include the classification of account clerk II.

DATED at Olympia, Washington, this 1st day of June, 1995.

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.