

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
COWLITZ COUNTY)	CASE NO. 4154-C-82-203
and)	DECISION NO. 1652-A - PECB
WASHINGTON STATE COUNCIL OF)	
COUNTY AND CITY EMPLOYEES)	
)	ORDER CLARIFYING
For clarification of an existing)	BARGAINING UNIT
bargaining unit)	

Dick Anderson, Personnel Director, appeared on behalf of the employer.

Hafer, Price, Rinehart & Schwerin, by Pamela G. Bradburn, attorney at law, appeared on behalf of the union.

Cowlitz County (hereinafter employer) and Washington State Council of County and City Employees, Local No. 334 (hereinafter union) filed a joint petition on July 13, 1982, wherein they requested a ruling with respect to the position of "motor pool assistant". A hearing was held on March 3, 1982 at Kelso, Washington. On July 15, 1982, an order was issued remanding the matter to the Hearing Officer with instructions to obtain positions from the parties concerning a "motor pool attendant" position. Cowlitz County, Decision 1652 (PECB, 1983). The employer submitted a letter dated August 16, 1983, indicating that it had not previously raised issues concerning the motor pool attendant position, preferring "to deal with one issue at a time". The letter makes it clear that the employer intended to raise a unit determination issue as to the "motor pool attendant" if the motor pool assistant were placed in accordance with the employer's position in this matter. The union submitted a letter dated August 23, 1983 in which it asserted that both of the positions in question should remain in the bargaining unit to which they were assigned prior to a management reorganization. The parties filed a stipulation of facts on October 7, 1983.

The authority to determine bargaining units is vested by the legislature in the Public Employment Relations Commission in RCW 41.56.060. City of Richland, Decision 279-A (PECB, 1978), aff. 29 Wn.App 599 (Division III, 1981), cert. den., 96 Wa.2d 1004 (1981). The motor pool assistant and attendant positions cannot be dealt with separately, for reasons outlined in Decision 1652, supra. Further, efficient administration of the statute dictates that the issues as to both positions be resolved now that the facts and positions of the parties are before the Commission.

The additional facts stipulated by the parties in response to the remand supplement rather than contradict the factual background set forth in Decision 1652, supra. The motor pool attendant and the motor pool assistant are the only regular employees in the motor pool section of the employer's budget/personnel department. The motor pool is located at an address separate and apart from both the county courthouse and the road department office. The motor pool attendant maintains more than 100 motor pool vehicles, with no interchange of duties with employees of other departments. Since the reorganization which transferred the motor pool to the budget/personnel office, the motor pool attendant's working contacts with employees in the Local 334 bargaining unit were reduced to occasions when public works employees obtain fuel at the motor pool. Working contacts concerning the operation of the motor pool, purchases and supervisory contacts are now with the budget director.

The situation at hand is a predictable consequence of organization of bargaining units along lines of employer-orientation rather than according to employee types. A "departmental" bargaining unit can be an appropriate bargaining unit within the meaning of RCW 41.56.060, but the parties to such a bargaining unit structure should expect to encounter some bargaining obligations and some unit determination problems at any time the employer finds it necessary or desirable to alter its table of organization. Any dispute which could have existed or now exists between the parties concerning the transfer of bargaining unit work from the department of public works to another department of the employer would be a subject for unfair labor practice proceedings, and is beyond the scope of these unit clarification proceedings. In the instant case, a bargaining unit determination must be made on the situation as it now exists. The motor pool has been removed from the department of public works and has been made a part of the budget/personnel office.

The lines of supervision which constituted the primary descriptor of the community of interest among employees in the bargaining unit represented by Local 334 have been severed in the case of the motor pool employees. The evidence adduced at the hearing and the additional facts stipulated by the parties all indicate that, history notwithstanding, the present and future community of interest of the motor pool employees is with the employees in the "current expense" bargaining unit represented by Local 1262.

FINDINGS OF FACT

1. Cowlitz County is a political subdivision of the State of Washington and is a public employer within the meaning of RCW 41.56.020 and 41.56.030(1).

2. Washington State Council of County and City Employees, Local 334, is a labor organization and bargaining representative within the meaning of RCW 41.56.030(3) which has been recognized as exclusive bargaining representative of employees of the Cowlitz County Department of Public Works.
3. Washington State Council of County and City Employees, Local 1262, is a labor organization and bargaining representative within the meaning of RCW 41.56.030(3) which has been recognized as exclusive bargaining representative of a bargaining unit comprised of employees of a number of "current expense" departments of Cowlitz County.
4. Cowlitz County operates a motor pool, located at 200 Cowlitz Way, Kelso, Washington. Prior to 1973, the motor pool was operated as part of the department of public works, and the employees working in the motor pool were included in the bargaining unit represented by Local 334. In 1973, the employer transferred the motor pool to its purchasing department. From 1973 to 1978, the employee responsible for maintenance of motor pool vehicles remained a member of the bargaining unit represented by Local 334, but the clerical work associated with the motor pool was performed by employees allocated to the bargaining unit represented by Local 1262. In 1978, the employer re-transferred the motor pool to its department of public works, and thereafter assigned all motor pool work to employees in the bargaining unit represented by Local 334.
5. In January, 1982, Cowlitz County transferred the motor pool to its budget/personnel department. The employee responsible for maintenance of motor pool vehicles ("motor pool attendant") ceased having regular working and supervisory relationships with employees or management officials of the department of public works and subsequently has working and supervisory relationships with the budget director. The employee responsible for clerical work associated with the motor pool ("motor pool assistant" or "budget/personnel office receptionist") now occupies office space within the budget/personnel office and has working and supervisory relationships with the budget director.
6. The motor pool assistant spends the vast majority of her work time performing accounting work for the motor pool or assisting with motor pool business. She spends a very small portion of her time (2.3% in 1982) performing relief clerical work in the budget/personnel office. She is not assigned work involving confidential labor relations policies of the employer, and the employer has three other clerical employees in its budget/personnel office who are excluded from bargaining units as "confidential" employees.

CONCLUSIONS OF LAW

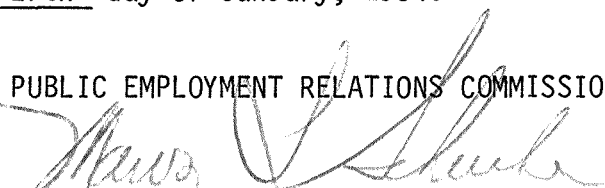
1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.
2. The motor pool assistant is a public employee within the meaning of RCW 41.56.020(2), and is not a "confidential" employee within the meaning of RCW 41.56.020(2)(c).
3. Continuation of either the motor pool assistant or motor pool attendant in the bargaining unit represented by Local 334 would have the effect of expanding a departmental unit of employees of the department of public works to cover employees in another department, and would group together employees who no longer share a community of interest in common supervision. Such a bargaining unit would not be appropriate within the meaning of RCW 41.56.060.
4. Separation of the motor pool assistant from the motor pool attendant in separate bargaining units would have the effect of fragmenting the employees of the motor pool activity. Such a bargaining unit structure would not be appropriate within the meaning of RCW 41.56.060.
5. The motor pool assistant and motor pool attendant share a community of interest with other employees of "current expense" departments of Cowlitz County in the bargaining unit represented by Local 1262. Their allocation to that bargaining unit is appropriate within the meaning of RCW 41.56.060.

ORDER

The positions of motor pool assistant and motor pool attendant are allocated to the bargaining unit of employees of "current expense" departments of Cowlitz County, represented by WSCCCE Local 1262.

DATED at Olympia, Washington, this 27th day of January, 1984.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director