

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the joint petition of:

CITY OF WOODINVILLE

and

TEAMSTERS, LOCAL 117

For clarification of an existing  
bargaining unit.

CASE 25894-C-13-1564

DECISION 11868 - PECB

ORDER CLARIFYING  
BARGAINING UNIT

*Spencer Nathan Thal*, General Counsel, for the union.

*Richard Leahy*, City Manager, and *Alexandra Sheeks*, Assistant City Manager, for the employer.

On August 15, 2013, the City of Woodinville (employer) and Teamsters, Local 117 (union) jointly filed a unit clarification petition with this agency seeking to add the full-time maintenance employee in the Parks Division of the employer's Public Works Department to the union's existing bargaining unit. The single maintenance employee in the Parks Division is currently unrepresented for purposes of collective bargaining.

The union currently represents a bargaining unit of maintenance employees in the Street and Storm Division of the employer's Public Works Department. That bargaining unit is currently described as follows:

All full-time and regular part-time maintenance employees in the Public Works Department of the City of Woodinville, excluding Supervisors, Confidential employees and all other employees.

The employer and union are parties to a collective bargaining agreement with a term from January 1, 2013 through December 31, 2015.

The parties stipulated that this agency has jurisdiction over this matter. The parties also stipulated that including the Parks Division maintenance employee in the union's existing bargaining unit will not render that unit inappropriate and that the union continued to represent a majority of the employees in that bargaining unit.

### DISCUSSION

The determination and modification of bargaining units and the certification of the exclusive bargaining representative of appropriate units is a function delegated to this Commission by the Legislature. RCW 41.56.060; *Snohomish County*, Decision 5375 (PECB, 1995). In determining the appropriateness of a proposed bargaining unit, RCW 41.56.060 directs the Commission to examine the following: the duties, skills, and working conditions of the employer; the history of collective bargaining; the extent of organization among the employees; and the desires of the employees. Included with this agency's authority to determine an appropriate bargaining unit is the power to, upon request, modify that unit through a unit clarification proceeding. *See Pierce County*, Decision 7018-A (PECB, 2001). When modifying an existing bargaining unit, the RCW 41.56.060 unit determination standards apply.

While the parties' stipulations are not binding upon the unit determination process, it readily appears that including the Parks Division maintenance employees in the union's existing bargaining unit would not render that unit inappropriate. The union's bargaining unit contains only the maintenance employees in the Storm and Street Division of the Public Works Department. All of the employees in the proposed bargaining unit are within the Public Works Department, albeit two different divisions, and nothing suggests that work jurisdiction issues would be created by adding the employee in the Parks Division. Accordingly, the parties' stipulations are accepted and the union's existing bargaining unit shall be modified to include the Parks Division maintenance employee.<sup>1</sup>

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<sup>1</sup> The union submitted a showing of interest as part of its filing. Although the employer concurs with including the Parks Division maintenance worker through the unit clarification process, the union could have also filed a petition under WAC 391-25-440 to allow the Parks Division employee to express his or her desires regarding inclusion in the union's existing bargaining unit.

FINDINGS OF FACT

1. The City of Woodinville is a public employer within the meaning of RCW 41.56.030(11).
2. Teamsters, Local 117 is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The Teamsters represent a bargaining unit of maintenance employees in the Public Works Department of the City of Woodinville described as follows:

All full-time and regular part-time maintenance employees in the Public Works Department of the City of Woodinville, excluding Supervisors, Confidential employees and all other employees.

4. The Teamsters and the City of Woodinville are parties to a collective bargaining agreement with a term that runs from January 1, 2013 through December 31, 2015.
5. One maintenance employee currently works in the Parks Division of the City of Woodinville's Public Works Department. That employee is currently unrepresented.
6. On August 15, 2013, the City of Woodinville and the Teamsters jointly filed a unit clarification petition to include the employee described in Finding of Fact 5 into the bargaining unit described in Finding of Fact 3.
7. The Teamsters and the City of Woodinville stipulated that the employee described in Finding of Fact 5 shares a community of interest with the bargaining unit described in Finding of Fact 3.
8. The Teamsters and the City of Woodinville stipulated that the Teamsters would continue to represent a majority of the employees described in Finding of Fact 3 if the employee described in Finding of Fact 3 was added to the existing bargaining unit.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW and Chapter 391-35 WAC.
  
2. The employee described in Finding of Fact 4 shares a community of interest with the bargaining unit of employees described in Finding of Fact 3.

ORDER

The maintenance employee in the Parks Division of the City of Woodinville Public Works Department shall be added to the bargaining unit described in Finding of Fact 3. That bargaining unit's description shall be amended to read as follows:

All full-time and regular part-time street, storm and parks maintenance employees in the Public Works and Parks Department of the City of Woodinville, excluding Supervisors, Confidential employees, and all other employees.

ISSUED at Olympia, Washington, this 11th day of September, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MICHAEL P. SELLARS, Executive Director



**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

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PUBLIC EMPLOYMENT RELATIONS COMMISSION



BY: /S/ MAJEL C. BOUDIA

CASE NUMBER: 25894-C-13-01564 FILED: 08/14/2013 FILED BY: JOINT  
DISPUTE: COMMUNITY INT  
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DETAILS: -  
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