

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

TEAMSTERS LOCAL 117

For clarification of an existing bargaining
unit of employees of:

SOUTH SOUND 911

CASE 128990-C-17

DECISION 12760 - PECB

ORDER CLARIFYING
BARGAINING UNIT

Marie Duarte, Associate General Counsel, for the petitioner, Teamsters Local 117.

Peter Beckwith, Legal Advisor, for the employer, South Sound 911.

J. Pat Thompson, Deputy Director, for the incumbent, Washington State Council of County and City Employees.

On May 17, 2017, Teamsters Local 117 (Teamsters) filed a petition seeking to clarify the bargaining unit status of certain law enforcement communications and law enforcement records (communications and records) employees recently transferred to South Sound 911 (employer). The communications and records employees previously worked for the city of Puyallup and were represented by the Washington State Council of County and City Employees (WSCCCE). Teamsters seeks to add those employees to its existing bargaining unit of communications and records employees.

Representation Case Administrator Dario de la Rosa conducted a telephonic conference with the parties to discuss the issues and determine the appropriate steps for resolving this matter. During the conference, the parties agreed that all of the communications and records employees are functionally integrated and perform or will soon perform similar duties regardless of their work location. Additionally, the WSCCCE stated that it saw no legal path to claim any representation rights to the communications and records employees that it represented at the city of Puyallup. The parties agreed that Teamsters' bargaining unit could be clarified to include all of the

communications and records employees. The Representation Case Administrator issued a statement of results summarizing the conference. None of the parties objected to that statement.

The issue to be decided is whether Teamsters' bargaining unit should be clarified to include all of the communications and records positions recently added to the employer's workforce. The parties' stipulations are accepted. All of the communications and records employees transferred to the employer's workforce perform the same duties and are functionally integrated. Thus, the employees share a community of interest, and it would be inappropriate to place them in separate bargaining units. Teamsters' bargaining unit is clarified to include the communications and records employees that were transferred from the city of Puyallup.

BACKGROUND

The employer operates a communications center that provides law enforcement communications services for certain municipalities in Pierce County, including the cities of Tacoma and Puyallup. Prior to the creation of the employer, those municipalities operated separate communications centers. In 2011, voters in Pierce County elected to consolidate the communications services into a single entity. As a result, the communications and records employees at the cities of Tacoma and Puyallup were transferred to the employer over a period of time.¹

The first transferred group of communications and records employees consisted of approximately 123 employees from the city of Tacoma. Teamsters represented these employees both before and after the transfer, and the employer and Teamsters are parties to a current collective bargaining agreement covering these employees.

In May 2016, 34 communications and records employees were transferred from the city of Puyallup. The WSCCCE represented those employees in a bargaining unit certified by this agency. *City of Puyallup*, Decision 6437 (PECB, 1998). Although the city of Puyallup, the

¹ Employees from the city of Fife were also transferred to the employer and were added to Teamsters' bargaining unit. The status of those employees is not an issue in this matter because no bargaining unit certification existed for those employees.

employer, and the WSCCCE effectively agreed that those employees appropriately belong in Teamsters' bargaining unit, none of the parties filed a petition to properly clarify the bargaining unit at the time of the transfer. Nevertheless, Teamsters has represented the employees since the transfer.

ANALYSIS

Applicable Legal Standard

The determination of appropriate bargaining units is a function delegated to this agency by the Legislature. RCW 41.56.060; *Clallam County*, Decision 12070 (PECB, 2014). The goal in making bargaining unit determinations is to group together employees who have sufficient similarities (community of interest) to indicate that they will be able to bargain effectively with their employer. *Central Washington University*, Decision 9963-B (PSRA, 2010), citing *Quincy School District*, Decision 3962-A (PECB, 1993).

RCW 41.56.060 provides that this agency, in examining whether there is a community of interest, shall consider "the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees." The criteria are not applied on a strictly mathematical basis. *King County*, Decision 5910-A (PECB, 1997). Not all of the factors will exist in every case, and where they do exist, any one factor could be more important than another, depending on the facts. *Id.* The criteria are applied collectively to discern the existence of a community of interest among the employees of a particular employer, and not one criteria is of greater import than the others. When making bargaining unit determinations, the Commission seeks to avoid fragmentation and potential work jurisdiction disputes. *University of Washington*, Decision 8315 (PECB, 2003). Bargaining unit determinations are made on a case-by-case basis. *City of Tacoma*, Decision 12181 (PECB, 2014).

Ordinarily, employees are permitted a voice in the selection of an exclusive bargaining representative. RCW 41.56.070. Accretions are the exception to the statutory rule of employee free choice. An accretion may be ordered when a group of unrepresented employees logically

belongs in only one existing bargaining unit and the positions can neither stand alone in a separate bargaining unit nor logically be placed in another unit configuration. *Pierce County*, Decision 6051-A (PECB, 1998), *citing City of Auburn*, Decision 4880-A (PECB, 1995). Under those circumstances, the employees will be added or accreted to the existing bargaining unit without a vote of the employees. In order for an accretion to be directed, the resulting bargaining unit must be an appropriate unit. The party proposing accretion bears the burden of demonstrating that the conditions for accretion are present. *Pierce County*, Decision 6051-A.

Application of Standard

All of the communications and records employees that were transferred to the employer share a community of interest and belong in the same bargaining unit because they perform the same emergency communications dispatch work. That work includes processing calls for law enforcement, fire, and medical aid services under emergency conditions in an accurate and timely manner. The work also consists of providing routine information and assistance to the public and various law enforcement agencies. Additionally, all of the employees now perform or will soon perform records duties. That work includes processing and maintaining law enforcement reports and records, providing information and assistance to citizens as requested regarding police reports, accident forms, gun licenses, and other documents or information.

CONCLUSION

The communications and records employees that worked at the city of Puyallup shall be added to Teamsters' bargaining unit without the need for an election. These positions logically belong in the bargaining unit because work jurisdiction issues would be created if the employees were either allowed to remain unrepresented or placed in another bargaining unit. Including these positions in the bargaining unit will not raise questions concerning representation, as there are approximately 123 employees in the bargaining unit but only 34 excluded positions.

FINDINGS OF FACT

1. South Sound 911 is a public employer within the meaning of RCW 41.56.030(12).

2. Teamsters Local 117 (Teamsters) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The Washington State Council of County and City Employees (WSCCCE) is a bargaining representative within the meaning of RCW 41.56.030(2).
4. The employer operates a communications center that provides law enforcement communications services for certain municipalities in Pierce County, including the cities of Tacoma and Puyallup. Prior to the creation of the employer, those municipalities operated separate communications centers. In 2011, voters in Pierce County elected to consolidate the communications services into a single entity. As a result, the law enforcement communications and law enforcement records (communications and records) employees at the cities of Tacoma and Puyallup were transferred to the employer over a period of time.
5. The first transferred group of communications and records employees consisted of approximately 123 employees from the city of Tacoma. Teamsters represented these employees both before and after the transfer, and the employer and Teamsters are parties to a current collective bargaining agreement covering these employees.
6. In May 2016, 34 communications and records employees were transferred from the city of Puyallup. The WSCCCE represented those employees in a bargaining unit certified by this agency.
7. All of the communications and records employees that were transferred to the employer perform the same emergency communications dispatch work. That work includes processing calls for law enforcement, fire, and medical aid services under emergency conditions in an accurate and timely manner. The work also consists of providing routine information and assistance to the public and various law enforcement agencies.

8. All of the employees now perform or will soon perform records duties. That work includes processing and maintaining law enforcement reports and records, providing information and assistance to citizens as requested regarding police reports, accident forms, gun licenses, and other documents or information.

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. Based upon Findings of Fact 7 and 8, the communications and records employees share a community of interest under RCW 41.56.060.

ORDER

The bargaining unit described in Finding of Fact 5 is clarified to include the law enforcement communications and law enforcement records employees described in Finding of Fact 6.

ISSUED at Olympia, Washington, this 4th day of August, 2017.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MICHAEL P. SELLARS, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-35-210.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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DECISION 12760 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:


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