

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

CITY OF TACOMA

and

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS LOCAL 483

For clarification of an existing bargaining unit.

CASE 132867-C-20

DECISION 13220 - PECB

ORDER DISSOLVING BARGAINING  
UNIT

*Alice Phillips*, Business Manager/Financial Secretary, for the International Brotherhood of Electrical Workers Local 483.

*Dylan Carlson*, Senior Labor Relations Manager, for the City of Tacoma.

The International Brotherhood of Electrical Workers Local 483 (union) represents Network Operations Center Technicians; Telecommunications Technicians 1; Sales & Service Representatives; and Sales & Services Representative, Lead in the Click! bargaining unit last described in *City of Tacoma*, Decision 13186 (PECB, 2020). The City of Tacoma (employer) and the union seek to dissolve the Click! bargaining unit because there are no longer employees in the bargaining unit. After reviewing the evidence submitted by the parties, the Click! bargaining unit is dissolved.

## ANALYSIS

### Applicable Legal Standard

This agency has the authority to define new bargaining units of employees and to modify existing bargaining units to ensure their continued appropriateness. RCW 41.56.060. A bargaining unit of one-person or less is inappropriate for collective bargaining. *Port of Bellingham*, Decision 1570-

A (PORT, 1983). A bargaining unit cannot be considered appropriate unless the unit has at least two employees. WAC 391-35-330.

In determining whether an existing bargaining unit has become an inappropriate unit, the Commission considers whether the reduction in unit size to one employee or less is temporary or permanent. *Grant Public Hospital District 1*, Decision 11755 (PECB, 2013). “A temporary reduction in force of a small unit to a single employee does not . . . relieve an employer of its bargaining obligation.” *Port of Bellingham*, Decision 1570-A (citing *Crispo Cake Cone Co.*, 190 NLRB 352 (1971)). In situations where an employer is alleging a unit is no longer appropriate because it includes only one employee or less, the employer has the burden to establish that the reduction in unit size is permanent, not temporary, in nature. If an employer can establish that the unit has been permanently reduced to one employee or less, the unit becomes inappropriate and the employer no longer has a bargaining obligation. *Evergreen Water/Sewer District 19*, Decision 10648 (PECB, 2010) (citing *Crescendo Broadcasting, Inc.*, 217 NLRB 697 (1975)).

#### Application of Standard

The Network Operations Center Technicians; Telecommunications Technicians 1; Sales & Service Representatives; and Sales & Services Representative, Lead classifications were all assigned to the employer’s Click! Network operations and are represented by the union. The Tacoma City Council authorized execution of the Click! Transaction Agreement effective April 1, 2020. Under the terms of the agreement the employer ceased being the operator of Click! Network. The work is no longer under management of the employer and there are currently no incumbents in any of the classifications. Additionally, because the employer is no longer managing the Click! Network, these classifications will not be filled moving forward. Because the positions in the bargaining unit have been permanently reduced, the bargaining unit is no longer appropriate and must be dissolved.

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ORDER

The bargaining unit of employees in the Click! bargaining unit represented by the union is no longer an appropriate bargaining unit under RCW 41.56.060 and WAC 391-35-330. The bargaining unit is hereby dissolved.

ISSUED at Olympia, Washington, this 6th day of August, 2020.

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.



# RECORD OF SERVICE

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ISSUED ON 08/06/2020

DECISION 13220 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

CASE 132867-C-20

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