

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

TEAMSTERS LOCAL 760

For clarification of an existing bargaining unit
of employees of:

CITY OF SELAH

CASE 137232-C-23

DECISION 13717 - PECB

ORDER CLARIFYING BARGAINING
UNIT

David Simmons, Business Representative, for Teamsters Local 760.

Joe Henne, City Administrator, for the City of Selah.

On July 21, 2023, Teamsters Local 760 (union) filed a unit clarification petition concerning a bargaining unit of Police Department employees working at the City of Selah (employer). The union's bargaining unit currently includes both uniformed law enforcement officers and nonuniformed employees. The bargaining unit is described as "All full-time and regular part-time employees in the City's Police Department with the exception of the Chief of Police, but to include the positions of Sergeant, Clerk/Matron, any/or Dispatcher." *City of Selah*, Decision 1931 (PECB, 1984). The nonuniformed employees are currently in the Police Clerk and Animal Control/Community Service Officer job classes.

The population of the city exceeds 2,500 people and therefore the law enforcement officers are eligible for interest arbitration. The union seeks to remove the nonuniformed employees from the bargaining unit and place those employees in their own separate nonuniformed employees bargaining unit. The employer does not oppose the union's petition.

The request for clarification is granted. Employees eligible for interest arbitration impasse procedures will not be commingled in bargaining units with employees who are not eligible for

interest arbitration impasse procedures. The nonuniformed employees shall be removed from the existing bargaining unit and placed in a separate nonuniformed police department bargaining unit.

ANALYSIS

The authority to determine an appropriate bargaining unit has been delegated to this Commission by the legislature. RCW 41.56.060(1). In doing so, the legislature outlined a number of factors to consider in making unit determinations for employees covered by chapter 41.56 RCW. Those factors include: 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. RCW 41.56.060. *See also Community Transit*, Decision 8734-A (PECB, 2005). No one factor predominates and not all statutory factors must be considered in every case. Rather, the factors are collectively applied to discern sufficient similarities or a “community of interest” among the employees so that they will be able to bargain effectively with their employer. *Id.*

Employees eligible for interest arbitration impasse procedures will not be commingled in bargaining units with employees who are not eligible for interest arbitration impasse procedures. *Thurston County Fire Protection District 9*, Decision 461 (PECB, 1978); *King County*, Decision 6668 (PECB, 1999).

Whether employees occupy positions eligible for interest arbitration is determined by statute. Uniformed personnel are defined as law enforcement officers in RCW 41.26.030 employed by the governing body of any city or town with a population of 2,500 or more. RCW 41.56.030(14)(a). When the employer reached a population of 2,500 or more, the uniformed personnel in the bargaining unit met the statutory definition and became eligible for interest arbitration as a means of settling labor disputes. The nonuniformed employees are not eligible for interest arbitration. Because the uniformed personnel at the police department are currently included in a bargaining unit with noninterest arbitration-eligible employees, the existing bargaining unit has become inappropriate. The nonuniformed personnel must be placed in their own separate bargaining unit based upon long-standing rule and precedent. WAC 391-35-310; *Thurston County Fire Protection*

District 9, Decision 461; *King County*, Decision 6668. The union shall continue to represent the uniformed personnel and nonuniformed personnel for purposes of collective bargaining.

FINDINGS OF FACT

1. The City of Selah is a public employer within the meaning of RCW 41.56.030(13).
2. Teamsters Local 760 is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The union represents a bargaining unit that includes both uniformed law enforcement officers and nonuniformed employees and is described as “All full-time and regular part-time employees in the City’s Police Department with the exception of the Chief of Police, but to include the positions of Sergeant, Clerk/Matron, any/or Dispatcher.”
4. The population of the City of Selah exceeds 2,500 people.

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 3 and 4, the bargaining unit described in finding of fact 3 is inappropriate because it includes both uniformed employees eligible for interest arbitration and nonuniformed employees who are not eligible for interest arbitration.

ORDER

1. The bargaining unit described in *City of Selah*, Decision 1931 (PECB, 1984) shall be modified to remove the nonuniformed employees. The remaining uniformed employees bargaining unit shall be updated and described as follows:

All full-time and regular part-time law enforcement officers up to and including the rank of Sergeant employed by the City of Selah, excluding the Chief of Police, supervisors, confidential employees, nonuniformed employees, and employees represented by other collective bargaining units.

Teamsters Local 760 shall continue to represent the bargaining unit of uniformed personnel described in this paragraph.

2. The nonuniformed personal shall be placed in a separate bargaining unit described as follows:

All full-time and regular part-time nonuniformed employees employed by the City of Selah Police Department in the Police Clerk and Animal Control/Community Service Officer job classes, excluding the Chief of Police, supervisors, confidential employees, uniformed employees, and employees represented by other collective bargaining units.

Teamsters Local 760 shall continue to represent the bargaining unit of nonuniformed personnel described in this paragraph.

ISSUED at Olympia, Washington, this 18th day of September, 2023.

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

ISSUED ON 09/18/2023

DECISION 13717 - 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 137232-C-23

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