

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 YAKIMA

CASE 137805-C-23

DECISION 13738 - PECB

ORDER CLARIFYING
BARGAINING UNIT

Carl Keller, Business Agent, for Teamsters Local 760.

Bronson Faul, Senior Assistant City Attorney, for the City of Yakima.

On October 18, 2023, Teamsters Local 760 (union) and the City of Yakima (employer) jointly filed a unit clarification petition concerning the Transit Field Operations Supervisor job class. The union represents a supervisory bargaining unit that currently includes Transit Field Operations Supervisors. *City of Yakima*, Decision 11620 (PECB, 2013). Employees in this job class work for Yakima Transit, which is a city public passenger transportation system. According to RCW 41.56.492(2), employees of a city public passenger transportation system are eligible for interest arbitration as a means of settling contractual disputes. The petition seeks to remove the Transit Field Operations Supervisors from the bargaining unit and place those employees in their own separate interest arbitration eligible bargaining unit.

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 Transit Field Operations Supervisors shall be removed from the existing supervisory bargaining unit and placed in a separate Transit Field Operations Supervisors bargaining unit that is eligible for interest arbitration.

ANALYSIS

The legislature delegated the authority to determine an appropriate bargaining unit to this Commission and outlined a number of factors to consider in making unit determinations for

employees covered by chapter 41.56 RCW. RCW 41.56.060(1). 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. *Id*; *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 Fire 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, who are eligible for interest arbitration, are generally defined by RCW 41.56.030(14). The interest arbitration provision found in chapter 41.56 RCW is also applicable to the employees of a public passenger transportation system of a metropolitan municipal corporation, county transportation authority, public transportation benefit area, or city public passenger transportation system. RCW 41.56.492.

The Transit Field Operations Supervisors work for a public passenger transportation system that is operated by a city, and therefore those employees are eligible for interest arbitration. The other supervisory employees in the bargaining unit are not eligible for interest arbitration. Because the current bargaining unit configuration commingles interest arbitration eligible and ineligible employees, the existing bargaining unit has become inappropriate. The Transit Field Operations Supervisors must be placed in their own separate bargaining unit based upon long-standing rule and precedent. WAC 391-35-310; *Thurston Fire District 9*, Decision 461; *King County*, Decision 6668. The union shall continue to represent the existing supervisory bargaining unit as well as the newly created Transit Field Operations Supervisors bargaining unit without the need for an election.

FINDINGS OF FACT

1. The City of Yakima 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 supervisory bargaining unit that that is described as:

All full-time and regular part-time employees of the City of Yakima in the following classifications: Recreation Program Supervisor, Recreation Supervisor, Parks Superintendent, Traffic Operations Supervisor, Street Maintenance Supervisor, Transit Field Operations Supervisor, Solid Waste Supervisor, Equipment Supervisor, Building Superintendent, Police Services Supervisor, Forensic Supervisor, Civil Service Chief Examiner, Deputy Human Resources Manager, Deputy Chief Clerk, Administrative Assistant to the Fire Chief, Engineering Contract Specialist, Purchasing Senior Buyer, Chief Engineer, Senior Engineer and Surface Engineer, excluding confidential employees and all other employees.

4. The Transit Field Operations Supervisors included in the bargaining unit described in finding of fact 3 work for Yakima Transit, which is a city public passenger transportation system, and are eligible for interest arbitration. All other job classes included in the bargaining unit described in finding of fact 3 are not eligible for interest arbitration.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in matters pursuant to chapter 41.56 RCW and chapter 391-35 WAC.
2. Based upon finding of fact 4, the bargaining unit described in finding of fact 3 is inappropriate because it includes the Transit Field Operations Supervisors, who are eligible for interest arbitration, and other supervisory employees, who are not eligible for interest arbitration.

ORDER

1. The bargaining unit described in *City of Yakima*, Decision 11620 shall be modified to remove the interest arbitration eligible Transit Field Operations Supervisors. The

remaining supervisory employees bargaining unit shall be updated and described as follows:

All full-time and regular part-time employees of the City of Yakima in the following classifications: Recreation Program Supervisor, Recreation Supervisor, Parks Superintendent, Traffic Operations Supervisor, Street Maintenance Supervisor, Solid Waste Supervisor, Equipment Supervisor, Building Superintendent, Police Services Supervisor, Forensic Supervisor, Civil Service Chief Examiner, Deputy Human Resources Manager, Deputy Chief Clerk, Administrative Assistant to the Fire Chief, Engineering Contract Specialist, Purchasing Senior Buyer, Chief Engineer, Senior Engineer and Surface Engineer, excluding confidential employees and all other employees.

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

2. The interest arbitration eligible Transit Field Operations Supervisors shall be placed in a separate bargaining unit described as follows:

All full-time and regular part-time Transit Field Operations Supervisors employed by the City of Yakima/Yamika Transit, excluding confidential employees and all other employees.

Teamsters Local 760 shall continue to represent the bargaining unit of Transit Field Operations Supervisors described in this paragraph.

ISSUED at Olympia, Washington, this 27th day of November, 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 11/27/2023

DECISION 13738 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: REBECCA VANCE

CASE 137805-C-23

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