

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

KITTITAS PUD

For clarification of an existing bargaining unit  
represented by:

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS LOCAL 77

CASE 136733-C-23

DECISION 13869 - PECB

ORDER CLARIFYING BARGAINING  
UNIT

*David Hannah*, Attorney at Law, for the International Brotherhood of Electrical  
Workers Local 77.

*Kirk Ehliis*, Attorney at Law, Menke Jackson Beyer, LLP, for Kittitas PUD.

On June 8, 2023, Kittitas PUD (employer) filed a unit clarification petition seeking to clarify the bargaining unit of line workers, forepersons, and warehouse workers represented by the International Brotherhood of Electrical Workers Local 77 (union). The employer asserts that the bargaining unit is no longer appropriate because the bargaining unit has had only one employee in it since 2019. The union concedes that the bargaining unit is no longer appropriate.

Beginning in 1950, the employer voluntarily recognized the union as the exclusive bargaining representative of a bargaining unit of line workers and forepersons. In 2014 or 2015, the parties agreed to add the warehouse worker to the bargaining unit. By 2019, the bargaining unit was comprised of four line workers, two forepersons, and one warehouse worker. In 2019, the line workers and forepersons left the employer. The employer recruited to fill the vacancies but received no applications. It utilized private contractors to perform the services performed by those bargaining unit workers and has continuously done so to today. The union has not objected to the employer's use of private contractors to perform the work. Based on the anecdotal experience of the employer and other public utility districts in the region, the employer does not believe it would

be able to fill those positions today. As a result, the employer has liquidated the fleet used by the vacated positions.

### ANALYSIS

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 one-person unit is inappropriate for collective bargaining. *Port of Bellingham*, Decision 1570-A (PECB, 1983). The agency codified this standard in 2001 when it adopted WAC 391-35-330. That rules states that “[a] bargaining unit cannot be considered appropriate if it includes only one employee.”

There is no dispute that the bargaining unit only contains one employee. The bargaining unit has contained only one employee since 2019. The employer has not been able to fill the vacated positions and does not believe it will be able to do so. The employer has liquidated the fleet utilized by the vacated positions. Because only one position remains in the bargaining unit, it is an inappropriate unit under RCW 41.56.060 and WAC 391-35-330. The line worker, foreperson, and warehouse worker bargaining unit is officially dissolved to avoid any lingering confusion about the status of the bargaining unit.

### ORDER

The bargaining unit of line workers, forepersons, and warehouse worker at Kittitas PUD is officially dissolved.

ISSUED at Olympia, Washington, this 11th day of June, 2024.

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 06/11/2024

DECISION 13869 - 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 136733-C-23

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