

TEA COUNCIL OF REPRESENTATIVES

Meeting Summary by

Alton Gaskill, Chair

November 15, 2011, 12:00 p.m. to 1:00 p.m., KSC 8i

Monthly Meeting

My information is that the TEA monthly meeting is scheduled for tomorrow, November 16th in KSC 5B and C (Harappa and Cloaca Rooms). Representatives express their concern that the membership needed at least a week's advance notice of monthly meetings through the TEA Times.

Procedural:

This is the third month I am posting the monthly Council of Representatives meeting summary on the TEA Web Site. I need every Representative's help by advising their work units that the Council of Representatives meeting summaries are easily accessible at www.TEAseattle.org. It is my hope that members become accustomed to clicking on the web site to stay up to date with TEA Council of Representatives discussions without printing paper copies.

TEA does its banking at US Bank

The question of where TEA does its banking was brought up last month. I verified with Gerry Williams that TEA does its banking at **US Bank**. Should the Council recommend that TEA bank at a small local credit union or bank? Although some representatives expressed disenchantment for mega-banks, it was generally felt that TEA should bank where it receives the best service and interest rates. As a result, the Council of Representatives is not making any specific recommendation at this time to the TEA Board to change its banking arrangements.

Administrative staff Representation

The question came up whether the administrative staff in the TEA WW Staff bargaining unit would vote for or against a change in union representation as a group or would all of the bargaining unit vote as well. It was assumed that it would be just the administrative staff who would vote.

It was pointed out that the WW treatment plants have Local 925 administrative staff that are their own classification as WW Admins. Also, some of the working conditions or culture may differ from King Street.

Another representative asked that they receive more complete information as to what action TEA is taking in response to the PERC petition and what the schedule is for those actions.

I will follow up with each of these questions. **Attached is the latest PERC Notice of “matters in dispute” and Notice of Hearing.**

COLA

I reported that there is no confirmed information that any union in the coalition is currently challenging the Office of Labor Relations' COLA formula. The TEA Board is in the process of making inquiries. One representative asked if TEA WW had a position on the COLA formula. I followed up with the WW Staff Bargaining Chair, John Phillips. He has yet to receive a contract proposal from OHR to determine if there is an issue.

December Council of Representatives Meeting

We agreed that it would make more sense to cancel the December Council of Representatives meeting due to its proximity to the Holidays. That would also allow more availability for representatives to attend lunch gatherings with their co-workers. It was noted that attendance for this meeting (November) was down to 7, but there were more Transit members than WW members at the meeting.

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**PUBLIC EMPLOYMENT RELATIONS
COMMISSION**



NOTICE

**INVESTIGATION STATEMENT
TO BE POSTED FOR SEVEN DAYS**

RECEIVED

NOV / 4 2011

King County
Labor Relations

RE: King County
Case 24315-E-11-3672
Filed October 5, 2011

DATE: November 2, 2011

An investigation conference was held on November 2, 2011 at 2:00 p.m. by telephonic conference call. The participants were:

Spencer Nathan Thal, on behalf of the Petitioner, Teamsters Local 117.
Bob Railton and Rob Abbott, on behalf of the Employer.
James Cline, on behalf of the Incumbent Union, Technical Employees Association.
Sally Iverson, Kristi Aravena, and Dario de la Rosa, on behalf of the Commission.

This statement is issued pursuant to WAC 10-08-130 to state the stipulations made by the parties at the Investigation Conference and to control the subsequent course of proceedings. WAC 391-25-220 requires posting of this statement on the employer's premises for a period of at least seven days.

1. The following matters were resolved during the course of the conference:
 - a. The Public Employment Relations Commission has jurisdiction in this matter under RCW 41.56.
 - b. The addresses of the parties as printed on the case docket sheets are correct.
 - c. The petitioner, Teamsters Local 117, is a lawful labor organization qualified to act as bargaining representative under RCW 41.56.030(2).
 - d. The incumbent union, Technical Employees Association (TEA), is a lawful labor organization qualified to act as bargaining representative under RCW 41.56.030(2).

- e. The Petition for Investigation of Question Concerning Representation was timely filed during the window period.
 - f. None of the parties claim that an unfair labor practice charge has been filed that should be treated as a blocking charge.
 - g. The correct eligibility list is the list dated October 17, 2011 prepared by the employer with the addition of Sheri Hirai who is represented by TEA but was left off the list. The employer identified Candy Ingram-Bond, Jennifer Hayes, and Debi Walker as confidential employees and all the parties stipulated to their exclusion as confidential.
2. The following matters remain in dispute between the parties:
- a. The TEA questioned the appropriateness of the petitioned-for unit stating that it appears to be a severance petition because it is seeking to represent only the clerical employees in a unit that has historically consisted of clerical and professional employees.

The employer's position is that the petitioned-for unit is not appropriate because it is not a full horizontal bargaining unit because the petition excludes some non-represented employees in the same classifications. Those unrepresented employees were identified as Kim Berges and Chris Oro. The employer also questioned the appropriateness of the petitioned-for unit because it includes the classification of Administrator 1 and 2 which are professional positions with clerical classifications of administrative employees.

- b. The employer stated that Rochelle James, Tammy Kilgore, and JR Meksavanh who are term limited temporary employees should be excluded as casual employees. The Teamsters agreed they are casual employees.

The TEA disagreed with their exclusion as casual employees and believes they meet the definition of employees under the statute.

3. Since the parties were unable to reach a stipulation on all issues, a hearing is scheduled as follows:

Date: TO BE DETERMINED

Time:

Place:

A hearing notice with the above-listed details is being sent with this investigation statement.

Kristi Aravena is assigned as the Hearing Officer for this matter. The Hearing Officer will deal with specific issues concerning the conduct of the hearing.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PAMELA G. BRADBURN, COMMISSIONER
THOMAS W. McLANE, COMMISSIONER
CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 11/02/2011

The attached document identified as: **INVESTIGATION STATEMENT AND NOTICE OF HEARING** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Sally Iverson
BY: /S/ SALLY IVERSON

CASE NUMBER: 24315-E-11-03672 FILED: 10/05/2011 FILED BY: PARTY 2
DISPUTE: QCR RAID
BAR UNIT: WATER/SEWER
DETAILS:
COMMENTS:

EMPLOYER: KING COUNTY
ATTN: JAMES JOHNSON
500 4TH AVE RM 450
SEATTLE, WA 98104-2372
Ph1: 206-205-5321 Ph2: 206-296-8556

REP BY: ROBERT S RAILTON
KING COUNTY
ADM-ES-0450
500 4TH AVE RM 450
SEATTLE, WA 98104
Ph1: 206-205-8071

PARTY 2: TEAMSTERS LOCAL 117
ATTN: TRACEY THOMPSON
14675 INTERURBAN AVE S STE 307
TUKWILA, WA 98168-4614
Ph1: 206-441-4860

REP BY: LEONARD SMITH
TEAMSTERS LOCAL 117
14675 INTERURBAN AVE S STE 307
TUKWILA, WA 98168-4614
Ph1: 206-441-4860

REP BY: SPENCER NATHAN THAL
TEAMSTERS LOCAL 117
14675 INTERURBAN AVE S STE 307
TUKWILA, WA 98168
Ph1: 206-441-4860

submitted to Diane Tucker at the Commission office (360-570-7335) at least two weeks prior to the hearing.

The Hearing Officer has discretion to conduct all or part of the hearing by telephone under RCW 34.05.449(3) and WAC 10-08-180, if documentary evidence is submitted in advance as provided in WAC 10-08-140(2). In addition, WAC 10-08-040(1) requires that if any part of a hearing is to be conducted by telephone, a notice of hearing issued not less than seven days before the hearing shall so state. To allow for review by the Hearing Officer of a request for testimony by telephone, a party making such a request must complete the following steps at least two weeks prior to the date of the hearing: 1) Notify all other parties of the request and obtain information as to their consent or opposition to the request; and 2) Notify the Hearing Officer of the request and whether other parties consent to the request.

This notice is given to all parties and representatives whose names and mailing addresses appear on the Commission's docket records for this case, as shown in the attached Record of Service. A party who fails to attend or participate in the hearing or another stage of this adjudicative proceeding may be held in default in accordance with the Administrative Procedure Act, Chapter 34.05 RCW.

Issued at Olympia, Washington, this 2nd day of November, 2011.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



SALLY IVERSON, Representation Coordinator
P.O. Box 40919
Olympia, Washington 98504-0919
(360) 570-7324

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

TEAMSTERS LOCAL 117

Involving certain employees of:

KING COUNTY

CASE 24315-E-11-3672

NOTICE OF HEARING

PLEASE TAKE NOTICE That:

The Public Employment Relations Commission will conduct a public hearing to receive testimony and other evidence in the above-captioned matter, as follows:

DATE: TO BE DETERMINED

TIME:

PLACE:

A party that offers an exhibit in evidence is required to provide two copies of the exhibit to the Commission, and to provide a copy to each of the other parties at the hearing.

The Commission has jurisdiction in this matter under RCW 28B.52.030, RCW 41.56.060 and .070, RCW 41.59.070 and .080, RCW 41.76.020 and .025, or RCW 41.80.070 and .080. The Commission is conducting this hearing under WAC 391-25-290, WAC 391-25-310 and WAC 391-25-350. The scope of the hearing will be limited by the enclosed investigation statement issued under WAC 391-25-220.

Where the propriety of the petitioned-for bargaining unit is at issue, the employer is requested to have available for examination at the hearing: (1) A current list of all of the employees who are or may be included in the bargaining unit involved; (2) copies of its table of organization; and (3) other information which may be pertinent to a determination of an appropriate bargaining unit.

The Commission may take notice of its docket records for information to aid it in deciding issues in this proceeding.

If a limited-English-speaking or hearing impaired party or witness needs an interpreter, a qualified interpreter will be appointed under WAC 391-08-315(1) at no cost to the party or witness. If a disabled party or witness needs accommodation of facilities or services, reasonable accommodation will be provided. Requests for an interpreter or accommodation must be

Any objections to the foregoing must be filed at the Olympia office of the Commission, in writing, within 10 days following the date hereof and shall, at the same time, be served upon each of the other participants named above. This statement becomes part of the record in this case as binding stipulations of the parties, unless modified for good cause by a subsequent order.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

By: Sally Iversen
SALLY IVERSON, Representation Coordinator

COPIES OF THIS STATEMENT ARE TO BE POSTED BY THE EMPLOYER IN CONSPICUOUS PLACES ON ITS PREMISES WHERE NOTICES TO THE EMPLOYEES ARE USUALLY POSTED FOR AT LEAST SEVEN DAYS.