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DEPARTMENT OF INDUSTRIAL RELATIONS

525 GOLDEN GATE AVENUE
SAN FRANCISCO 94102



June 29, 1988

ADDRESS REPLY TO:
P.O. BOX 603
SAN FRANCISCO 94101

Amalgamated Transit Union, Local 256, AFL-CIO
c/o Ms. M. Jane Lawhon
Attorney At Law
Neyhart, Anderson, Nussbaum, Reilly and Freitas
568 Howard Street
P.O. Box 7426
San Francisco, CA 94120

Mr. Dan Bailey
Employee Relations Manager and
Mark Gilbert, Esq.
Attorney At Law
Sacramento Regional Transit District
1400 29th Street
Sacramento, CA 95810-2110

Gentlepersons:

A Petition for Clarification of the existing bargaining unit at Sacramento Regional Transit District (hereinafter "District") was filed by the Amalgamated Transit Union (hereinafter "Union" or "Local 256") on March 31, 1987 under Title 8 California Administrative Code, Section 15805 (c). The Petition sought inclusion of the fare inspection officers (currently six positions) into the present bargaining unit of 360 employees.

Pursuant to Section 15825 (b), the California State Mediation Service conducted an investigation to determine whether such an accretion is warranted. Apprised of the results of this investigation, the Director of the Department of Industrial Relations issues the following decision in concurrence with the parties.

Public Utilities Code Section 102403 mandates that the State Conciliation Service be guided by relevant federal law and administrative practice, developed under the Labor Management Relations Act of 1947 as presently amended. (See also California Admin. Code section 15875.1.) In deciding unit clarification questions, the National Labor Relations Board, the administrative agency which enforces the Labor Management Relations Act of 1947, uses the same criteria which are followed in deciding whether a newly organized unit is an appropriate unit. The principal criterion is "community of interest."

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A unit clarification petition should be granted where the employees in the petitioned-for classifications constitute an accretion to the existing bargaining unit. The National Labor Relations Board has established guidelines for determining whether the employees should be accreted to the existing unit. The guidelines consider the presence or absence of a variety of factors such as: (1) the degree of interchange among employees, (2) geographical proximity, (3) integration of operations, (4) integration of machinery and product lines, (5) centralized administrative control, (6) similarity of working conditions, skills and functions, (7) common control over labor relations, (8) collective bargaining history and (9) number of employees in existing unit. The Great Atlantic & Pacific Tea Co. (Family Savings Center), 104 NLRB 1011 (1963).

The fare inspection officers share a sufficient community of interest with the bus drivers, clericals and light rail operators already represented by Local 256 to warrant their inclusion in the existing unit and that the fare inspection officer classification constitutes a proper accretion to the existing bargaining unit. The following facts support this conclusion:

(a) The fact that the District applied its collective bargaining agreement to some aspects of the new Light Rail operation, the District agreed with Local 256 that the classifications of fare revenue clerk and light rail operator were included within the existing bargaining unit. The parties' discussions about light rail were memorialized in an agreement dated March 6, 1984, which recognized the Union as the "duly authorized representation" of all employees working in historic Amalgamated Transit Union classifications involved in rail operations.

The bargaining history between the parties strongly favors a finding of an accretion. Historically, the contract with Local 256 has been applied to new transit operations as they arose. At the turn of the century, Sacramento had only trolley

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service. In 1902, Local 256 was chartered as an affiliate of the Amalgamated Association of Street and Railway Employees of America, which later became known as the Amalgamated Transit Union, to represent the trolley workers. Later, Sacramento had both trolleys and buses and Local 256 represented bus and trolley operators. Prior to the formation of the District in approximately 1971, Local 256 represented the bus drivers employed by the private predecessor bus company. The District continued that recognition. In September 1975, the State Mediation and Conciliation Service certified Local 256 as the representative of all clerical employees with the exception of six excluded positions.

(b) The fact that there are only six employees in the fare inspection officers' classification as compared to approximately 365 employees in the existing bargaining unit also favors finding an accretion in this case. Marion Power Shovel Co. (1977) 230 NLRB 576, 578.

(c) The integration of operations and of product lines also supports a finding of accretion. The Light Rail system at the District represents simply a technologically more advanced mode of delivering the same service to the public which the District has always provided. The geographic areas served by the Light Rail System fall within the areas where traditional bus routes have provided public transportation. Light rail created no new areas of service. The fare structure for buses and light rail has been integrated so that members of the public can transfer easily between these two modes of public transit provided by the District.

(d) The fare inspection officer classification should be accreted because labor relations policies at the District are centrally determined. Management and administrative policies and functions are also centralized in the sense that the District's General Manager and the Assistant General Manager for Operations have ultimate control over both the Transportation Department which covers bus operations and the light rail. All personnel records for unit employees and for the fare inspection officers are kept in a central location in the Human Resources

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Department. The hiring process for fare inspection officers is the same as for bargaining unit positions -- the applicant must be interviewed by a three-person panel. However, all light rail positions are first offered "in-house" rather than being advertised to the public. Thus, the bargaining unit positions in light rail are treated identically to the fare inspection officer position. Bargaining unit employees in light rail (operators) and fare inspection officers are both supervised at the departmental level by the Manager of Light Rail and the Assistant to the Manager of Light Rail.

(e) The similarity of working conditions, skills and functions supports a finding of accretion. The duties of a fare inspection officer in light rail have directly evolved from a bus operator's duties. In the Transportation Department, bus operators are responsible for ensuring the payment of proper fares and acting as the District's public relations representative vis-a-vis passengers. Because of their physical separation from passengers, light rail operators could not perform the above traditional operator's tasks. The tasks were assigned instead to the position of fare inspection officer. The fact that all the employees in the bargaining unit in light rail and all the fare inspection officers transferred from other bargaining unit positions also supports an accretion here. Borg-Warner Corp. (1955) 113 NLRB 152, 153, aff'd (7th Cir) 231 F.2d 237, cert. denied (1956) 352 U.S. 802. The fare inspection officers work approximately the same hours as, and in geographic proximity to, the light rail operators who are included within the existing bargaining unit.

On the basis of the foregoing facts, I concur that the fare inspection officers share a sufficient community of interest with other unit employees in both the light rail and the bus divisions that the position constitutes an accretion to the existing bargaining unit represented by Local 256.

DATED: 6-23-88


RON RINALDI, Director
Department of Industrial Relations