

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
COWLITZ COUNTY)	CASE NO. 5441-C-84-269
)	DECISION NO. 2067 - PECB
For clarification of an existing)	
bargaining unit of its employees)	ORDER CLARIFYING
represented by:)	BARGAINING UNIT
CHAUFFEURS, TEAMSTERS & HELPERS,)	
LOCAL 58)	

On September 4, 1984, Cowlitz County filed a petition with the Public Employment Relations Commission, seeking clarification of an existing bargaining unit of employees represented by Teamsters Local 58. The petitioner stated:

The employer petitions the Public Employment Relations Commission to rule that co-mingling uniformed personnel as defined in 41.56.030 in the same bargaining unit with non-uniformed personnel is inappropriate, and therefore uniformed and non-uniformed personnel must be in separate bargaining units. The reason for such petition is that there will be distinctly different impasse procedures for uniformed personnel under RCW 41.56.430-490 as the result of the legislative action in the 1984 regular session when it enacted Chapter 150 (2nd Substitute HB 85). This legislation will be effective July 1, 1985.

On November 26, 1984, Teamsters Local 58 filed a letter with the Commission wherein it indicates that the petition filed in this case "will not be protested by this Local Union" and further states, "this Local Union concurs that the uniformed should be a separate unit from the non-uniformed due to the recent legislative action in HB 85."

The legislation referred to is Chapter 150, Laws of 1984 which amends RCW 41.56.030(6) effective July 1, 1985 to expand the definition of "uniformed personnel" to include counties of the second class or larger. Cowlitz County will then come under the coverage of the special impasse resolution provisions of RCW 41.56.430, et. seq. Commission precedent precludes com-mingling of "uniformed" personnel in the same bargaining unit with public employees who do not qualify for the special impasse resolution provisions. A similar separation was considered in City of Yakima, Decision 837 (PECB, 1980). There, as here, the employer sought separation of the uniformed

personnel but did not purport to question the majority status of the union in either group. The acceptance of the stipulation of the parties in this case thus takes the form of an order patterned after the order issued in City of Yakima, supra.

FINDINGS OF FACT

1. Cowlitz County is a county of the State of Washington and is a public employer within the meaning of RCW 41.56.030(1).
2. Chauffeurs, Teamsters & Helpers, Local 58, a labor organization within the meaning of RCW 41.56.030(3) has been certified as the exclusive bargaining representative of a unit consisting of all employees of the Cowlitz County Sheriff's Department, excluding elected officials, confidential employees and supervisor.
3. The parties concur that, in view of the enactment of Chapter 150, Laws of 1984, the existing bargaining unit will become inappropriate and that the "uniformed personnel" as defined in RCW 41.56.030(6) should be separated from other personnel.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.
2. "Uniformed personnel" of the sheriff's department of Cowlitz County, as to be defined by RCW 41.56.030(6) on and after July 1, 1985, will enjoy the benefits of and will be obligated to follow the impasse resolution procedures specified in RCW 41.56.430 through RCW 41.56.490; and are significantly distinguished thereby from employees of the sheriff's department of Cowlitz County who are not and will not become "uniformed personnel" within the meaning of RCW 41.56.030(6).
3. A bargaining unit consisting of all of the employees of the sheriff's department of Cowlitz County, including both uniformed and non-uniformed employees, would not continue to be an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060. No question concerning representation is raised as to the continued majority status of Chauffeurs, Teamsters & Helpers, Local 58 among either the uniformed or the non-uniformed employees.

ORDER

The bargaining unit formerly comprised of all employees of the sheriff's department of Cowlitz County is clarified to constitute two separate appropriate bargaining units, as follows:

1. All uniformed law enforcement personnel as defined by RCW 41.56.030(6) of the sheriff's department of Cowlitz County, excluding elected officials, confidential employees, supervisors and non-uniformed employees.
2. All non-uniformed employees of the sheriff's department of Cowlitz County, excluding elected officials, confidential employees, supervisors and uniformed law enforcement personnel as defined by RCW 41.56.030(6).

DATED at Olympia, Washington, this 18th day of December, 1984.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This Order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-35-210.