

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
TEAMSTERS UNION, LOCAL 763)	CASE 10648-C-93-625
)	
For clarification of an existing)	DECISION 5375 - PECB
bargaining unit of employees of:)	
)	ORDER CLARIFYING
SNOHOMISH COUNTY)	BARGAINING UNITS
)	
_____)	

Davies, Roberts and Reid, by Michael R. McCarthy, Attorney at Law, appeared on behalf of the union.

Perkins Coie, by Thomas E. Platt, Attorney at Law, appeared on behalf of the employer.

On August 27, 1993, Teamsters Union, Local 763, filed a petition for clarification of an existing bargaining unit with the Public Employment Relations Commission, seeking a ruling concerning the scope of bargaining units of corrections employees of Snohomish County. A hearing was held on January 24 and 25, 1995, before Hearing Officer Frederick J. Rosenberry. The parties submitted briefs on May 3, 1995.

BACKGROUND

The Employer

Snohomish County (employer) has a population of approximately 494,300, making it the third largest county in the state of Washington.¹ The Snohomish County Corrections Department is a

¹ Population data from "Directory of County Officials" (1993), published by Washington Assn. of County Officials and the Washington State Assn. of Counties.

prominent component of the employer's operations, and is primarily housed in two adjacent facilities that are a part of a "campus" of county government buildings located in Everett, Washington.

The Jail Facility -

The Snohomish County Jail is a secured detention facility with a population of approximately 470 inmates. It is described as a "direct supervision" facility, in which inmates are housed and receive various services within "modules". Although the modules vary somewhat in configuration, they usually consist of a number of cells grouped around a day room. The modules also contain a work station for the custody officer in charge, and an office where counselors or other staff can meet with individual inmates. The employees who provide medical attention, food, and counseling to inmates must work in the modules among the inmates. Control officers maintain visual and electronic surveillance of activity within the jail from a central control room and two "towers" located within the secured perimeter of the jail, and also control ingress to and egress from modules from the control room.

The jail is staffed 24 hours per day. At the time of the hearing, the employer had 94 custody officers, 13 control room officers, 9 booking assistants, 9 corrections counselors, 8 medical personnel, 4 maintenance workers, 2 cooks, and 2 corrections assistants at the jail facility.

The Work Release Facility -

The Work Release/Special Detention Facility located adjacent to the jail is the base for administration of several programs, including home detention, outside work release, and community service. In addition, approximately 60 inmates that are rated as "low risk" are housed in this facility.

This facility is staffed by 10 corrections officers and 4 corrections counselors.

History of Bargaining

Teamsters Union, Local 763, has been the exclusive bargaining representative of employees working in these corrections facilities since at least 1979.² The parties' latest collective bargaining agreement covering the basic unit of corrections personnel lists the specific classifications covered as follows:

Accounting assistant, booking assistant, control room officer, cooks, corrections assistant I and II, corrections counselor, corrections officer, court team clerk, custody officer, licensed practical nurse, maintenance worker, programs assistant, registered nurse, work release assistant II.

As the result of subsequent transactions, the parties have collective bargaining agreements covering three additional categories:

² Records transferred to the Commission by the Department of Labor and Industries, pursuant to RCW 41.58.801, suggest that Local 763 has had some presence in the Snohomish County Sheriff's Department since 1968. Notice is taken of the docket records of the Commission for Case 2408-E-79-441, which reflect that Local 763 was certified on November 21, 1979, as exclusive bargaining representative of a bargaining unit described as follows:

[E]mployees of the Snohomish County Sheriff's Department in the classifications of: Custodial Supervisor, Custodial Officer, Clerk III, Secretary III, Property Officer Lead, Property Officer, Clerk II, Secretary II, Accounting Clerk, Clerk I, Photo Lab, Technician (Lead), Correctional Officers and Correctional Supervisor.

All other positions in the Sheriff's Department shall be excluded from the bargaining unit.

Snohomish County, Decision 774 (PECB, 1979).

Notice is also taken of the Commission's docket records for Case 4641-E-83-856, which reflect that Local 763 retained its status in a representation case filed by another organization on May 19, 1983. That certification was issued on April 13, 1984 as Snohomish County, Decision 1900 (PECB, 1984).

- * A unit of "sergeants" has existed since 1992;³
- * A unit of "lieutenants" has existed since 1994;⁴ and
- * A "corrections supervisors" bargaining unit consists of the following classifications: Accounting supervisor, counseling supervisor, facility maintenance supervisor, records supervisor, registered nurse supervisor, and work release supervisor.⁵

The union initiated this proceeding after Chapter 397, Laws of 1993, amended the Public Employees' Collective Bargaining Act, Chapter 41.56 RCW, to extend the interest arbitration procedures of RCW 41.56.430, et seq. to corrections personnel of counties having a population of 70,000 or more. A pre-hearing conference was held, and that process resulted in several stipulations:

First, that the following classifications qualify as "uniformed personnel" with access to interest arbitration:

Corrections Officer
Custody Officer
Sergeant
Lieutenant
Work Release Supervisor

The parties further stipulated that the employees in these classifications must be divided among appropriate non-supervisory and supervisory bargaining units.

Second, that the characteristics of the following classifications do not meet the criteria for access to interest arbitration:

³ Notice is taken of the Commission's docket records for Case 9189-E-91-1552, which indicate the union was certified as the exclusive bargaining representative of a unit of "supervisors" in the Snohomish County Corrections Department. The certification was issued as Snohomish County, Decision 4027-A (PECB, 1992).

⁴ Notice is taken of the Commission's docket records for Case 9794-E-92-1612, which indicate the union was certified as exclusive bargaining representative of the corrections lieutenants in Snohomish County, Decision 4618-A (PECB, 1994).

⁵ The parties did not offer any evidence regarding the origins of this bargaining unit.

Accounting Assistant
Corrections Assistant
Corrections Assistant II
Court Team Clerk
Work Release Assistant II

The parties agree that the employees in these classifications must be placed in a conventional non-supervisory bargaining unit.

Third, that the characteristics of the following classifications do not meet the criteria for access to interest arbitration:

Accounting Supervisor
Records Supervisor

The parties stipulated that those classifications must be placed in a conventional supervisory bargaining unit.

POSITIONS OF THE PARTIES

The union contends the **booking assistant, control room officer, cook, corrections counselor, counseling supervisor, licensed practical nurse, maintenance worker, facility maintenance supervisor, programs assistant, registered nurse, and registered nurse supervisor** classifications should also have access to interest arbitration. It claims the direct supervision mode of operation in this jail requires that services be delivered to inmates inside the living modules, and that the disputed employees work among the inmates within the modules. The union contends that much of the direct contact between the disputed employees and inmates occurs outside of the presence of corrections officers or custody officers. The union argues that interpretation of the 1993 law should be based upon "concrete evidence introduced at the hearing, rather than by abstract concepts". Specifically, the union urges non-physical means of control and safeguarding inmates, such as "talking down" an inmate, is utilized much more than the physical exercise of control or brute force. The union contends that non-physical control is within the responsibility of nearly all jail employees, and that the Legislature "took pains to preclude any implication that the statute was meant only to cover uniformed

employees". Responding to employer arguments concerning the proper structure of bargaining units in the future, the union contends the existing bargaining units should not be disturbed.

The employer contends the five classes stipulated as "uniformed personnel" are the only jail personnel who have the required training and exercise the degree of "control and custody" over inmates to meet the definition contemplated by the 1993 law. It contends the other employees are primarily trained and responsible for tasks other than inmate security. The employer acknowledges that some disputed employees come in contact with select groups of inmates, or may even come in contact with the general jail population, but asserts there are custody officers or corrections officers close at hand who are charged with the responsibility for the control and custody of inmates. The employer contends there should be four bargaining units for its corrections staff:

(1) A unit of non-supervisory uniformed personnel limited to the "corrections officer" and "custody officer" classifications;

(2) A unit of supervisory "uniformed personnel" **combining the lieutenant, sergeant, and work release supervisor classifications;**

(3) A unit of non-supervisory support personnel which would include the **booking assistant, control room officer, cook, corrections counselor, licensed practical nurse, maintenance worker, programs assistant, and registered nurse** classifications; and

(4) A unit of supervisory support personnel, which would include the **counseling supervisor, facility maintenance supervisor and registered nurse supervisor** classifications.

DISCUSSION

Definition of "Correctional Employees"

In 1993, the Legislature amended the definition of "uniformed personnel" in Chapter 41.56 RCW, to include employees working in

correctional facilities operated by the largest counties in the state. House Bill 1067 set forth the amendment, as follows:⁶

RCW 41.56.030 Definitions. As used in this chapter:

...
 (7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 (~~(as now or hereafter amended,~~) of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county with a population of seventy thousand or more (~~(, or)~~); (b) fire fighters as that term is defined in RCW 41.26.030 (~~(, as now or hereafter amended)~~); or (c) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020-(5), by a county with a population of seventy thousand or more, and who are trained for and charged with responsibility for controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates.

The definition controls access to the process set forth in RCW 41.56.430, et seq. for resolving bargaining impasses by "interest arbitration". When enacted, this was the latest in a series of controversial efforts to extend the interest arbitration process.⁷

Historical Considerations -

Interest arbitration is essentially a public sector phenomenon in the United States. It is not even a mandatory subject of bargain-

⁶ Deletions are shown by (~~strikeout within double parenthesis~~); new material is shown by underline.

⁷ Apart from House Bill 1067, bills were pending in the 1993 Legislature affecting law enforcement officers in smaller cities and counties; paramedics working for public hospitals; dispatchers working in fire departments; nuclear plant guards; port district police; airport crash rescue forces; Washington State Patrol troopers; and public passenger transportation system employees. None of the other interest arbitration legislation enacted in 1993 or 1995 made any change regarding corrections personnel.

ing in the private sector under the National Labor Relations Act. Columbus Printing Pressmen, 219 NLRB 268 (1975), enf. 543 F.2d 1161 (1977).⁸ Interest arbitration has, however, gained limited acceptance since the 1970's in the public sector, where strikes by public employees are often prohibited by state common law,⁹ or by state collective bargaining statutes.¹⁰ Even then, with the exception of a few states which have made interest arbitration available for all of their local government employees (e.g., Iowa (1974) and Wisconsin (1977)), interest arbitration processes have commonly been limited to select classes of employees described by terms such as "essential", "necessary" or "vital".¹¹

As adopted in 1973, the interest arbitration process was limited in Washington to: (1) fire fighters; (2) law enforcement officers employed by the largest cities in the state;¹² and (3) law enforcement officers employed by the largest county in the state.¹³ Each of those categories was additionally defined by reference to

⁸ The same conclusion has also been reached under Chapter 41.56 RCW, with respect to employees not statutorily eligible for interest arbitration. City of Tukwila, Decision 1975 (PECB, 1984).

⁹ See, for example, Port of Seattle v. International Longshoremen's and Warehousemen's Union, 52 Wn.2d 317 (1958).

¹⁰ In the context of the Port of Seattle case decided in 1958, RCW 41.56.120 (which remains unchanged since its adoption in 1967 among the original provisions of Chapter 41.56 RCW) does not "permit or grant any public employee the right to strike".

¹¹ Interest arbitration processes limited to fire fighters and law enforcement officers were adopted in Michigan and Wisconsin in 1972 and 1973.

¹² The law covered about 30 of the 265 cities then existing within the state.

¹³ Although phrased generally, in terms of counties over 500,000 population, King County was the only county which then met that population standard.

Chapter 41.26 RCW, which establishes the Law Enforcement Officers and Fire Fighters (LEOFF) Retirement System.

Numerous efforts to expand the coverage of the interest arbitration process failed during the late 1970's and the 1980's. The only exceptions were Chapter 150, Laws of 1984 (which lowered the threshold for county law enforcement officers to counties with a population of 70,000 or more),¹⁴ and Chapter 110, Laws of 1988 (which extended interest arbitration to paramedics working for public employers other than public hospital districts).¹⁵

In administering Chapter 41.56 RCW, the Commission has developed a long line of precedent requiring that employees eligible for interest arbitration not be mixed in the same bargaining unit with employees who lack eligibility for that extra dispute resolution procedure. The first reference was in Thurston County Fire District 9, Decision 461 (PECB, 1978), which precluded consideration of any unit structure that would have mixed LEOFF fire fighters with part-time employees who were essentially volunteer fire fighters under the state pension laws. City of Yakima, Decision 837 (PECB, 1980) divided a department-wide bargaining unit in that employer's fire department to separate LEOFF fire fighters from dispatchers, clerical workers and mechanics. King County Fire District 39, Decision 2638 (PECB, 1987) separated dispatchers (including fire fighters assigned to work side-by-side with civilian dispatchers) from that employer's fire fighter bargaining unit. When the Legislature considered extension of the interest arbitration process in 1993, fiscal notes submitted by the Commission informed the Legislature of these unit determination precedents.

¹⁴ That expanded the coverage to about 11 of the state's 39 counties, including Snohomish County.

¹⁵ This legislation may have affected only two bargaining units in the entire state, in that most paramedics were already eligible (as fire fighters) for the interest arbitration process.

In the absence of any different direction from the Legislature in the 1993 legislation, some restructuring of bargaining units was a predictable consequence of the enactment of amendments expanding the coverage of interest arbitration to additional select groups of public employees. This is such a case.

Previous Interpretation of RCW 41.56.030(7)(c) -

The Commission has been called upon to interpret the definition of "corrections employees" in three previous cases, Pierce County, Decision 4788 (PECB, 1994), Spokane County, Decision 5019 (PECB, 1995), and Thurston County, Decision 4848-A (PECB, 1995).

As noted in the Spokane County decision, RCW 41.56.030(7)(c) sets forth a test consisting of five elements used in the conjunctive, so that all five must be met to qualify under the statute:

They must be first:

[C]orrectional employees who are ... security personnel

and second:

employed in a jail as defined in RCW 70.48-.020,

and third:

by a county with a population of seventy thousand or more,

and fourth:

and who are trained for ... controlling and maintaining custody of inmates

and fifth:

charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates

The Pierce County decision noted that neither the wearing of particular clothing nor having the power of arrest was controlling for jail workers:

[T]he juxtaposition of "uniformed and non-uniformed" in the statute makes [evidence concerning the clothing worn by employees in various classifications] irrelevant in deciding this case. Similarly, the juxtaposition of "commissioned and non-commissioned" in the statute makes it irrelevant whether any employee has or lacks the power to arrest. The focus of the statutory definition is on the functions performed.

The Thurston County decision applied those principles to exclude "master control operators" from a unit of employees eligible for interest arbitration.

The brief filed by the union in this case on May 3, 1995 does not address the Spokane County or Thurston County decisions. There has been no request from either party to file a supplemental brief in this case.¹⁶

The union's argument that Pierce County is "distinguishable" is not persuasive. The perceived distinction relates to a difference in the mode of operation between the Pierce County Jail and the Snohomish County Jail, but that does not avoid the fundamental need to apply a single statutory definition on a state-wide basis. RCW 41.56.030(7)(c) makes no allowance for differing modes of jail operations, and RCW 41.58.005 admonishes the Commission to be "uniform" in its administration of collective bargaining laws.

The "Security" Component -

The union argues that limiting the coverage of the interest arbitration process to employees entitled to use "brute force" against inmates ignores the evidence of record in this case and

¹⁶ In fairness to counsel for these parties, the Spokane County decision was issued on April 5, 1995, and was published in the May 1995 supplement to the Washington Public Employment Relations Reporter (WPERR). The Thurston County decision was issued on July 21, 1995, and was published subsequently in the WPERR.

reflects an "antiquated view of correctional institutions". It does not, however, specifically address or explain away the "security personnel" term used in the statute. Had the Legislature intended to extend the interest arbitration process to all employees working in a qualifying jail, there would have been no need for the "security personnel" qualifier. It is a fundamental precept of statutory construction, however, that administrative agencies and courts are not at liberty to selectively ignore words used by the Legislature, and must give effect to all of the words in a statute if it is possible to do so.

The Legislature is entitled to make classifications which limit the coverage of the interest arbitration process. Yakima County Deputy Sheriffs' Association vs. Yakima County, 92 Wn.2d 831 (1979); Clallam County Deputy Sheriffs' Guild vs. Clallam County, 92 Wn.2d 844 (1979); and Yakima County Deputy Sheriffs' Association v. Yakima County, 111 Wn.2d 854 (1989). In view of the long history of limiting access to the interest arbitration process in Washington, and the long-fought effort to enlarge the coverage of that process, a plausible interpretation emerges: The "security personnel" qualifier is consistent with a legislative focus on the continued incarceration of jail inmates during a work stoppage.

Where it is applicable, the interest arbitration process operates as a strike substitute, pitting employers and unions in battles of comparability evidence and logic, rather than in the economic warfare of strikes or lockouts. Although Chapter 41.56 RCW does not confer or protect a right to strike, there have been work stoppages involving employees covered by that statute. RCW 41.56.430 expressly states that the uninterrupted and dedicated service of the employees covered by the interest arbitration process is vital to the welfare and public safety of the state of Washington. A strike or lockout involving the employees who implement the "brute force" methods decried by the union could lead to the release or escape of inmates, which would pose an immediate

threat to public welfare and safety. In contrast, a work stoppage by jail personnel performing other jail functions (e.g., counselors, nurses, maintenance workers, cooks, etc.) might lead a county to revert to what the union describes as "antiquated" methods, but would not present the same risk of release or escape as a work stoppage by the corrections officers or custody officers. In this instance, the Legislature was entitled to make a classification which assured continued jail "security" operations, but did not extend to other jail services and operations.

Reference to the statutes regulating jail operations also supports this interpretation. The following analysis was set forth in Pierce County, supra:

The employees in the disputed positions might well qualify as "corrections personnel" under the expansive definition found in the statute concerning criminal justice training, at RCW 43.101.010 (5):

The term "correctional personnel" means any employee or volunteer who by state, county, municipal or combination thereof, statute has the **responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling** of those individuals whose civil rights have been limited in some way by legal sanction.

[Emphasis by **bold** supplied.]

The legislature has chosen to make statutory cross-references to effect certain parallels between Chapter 41.56 RCW and other statutes governing public employees or institutions. Particularly relevant here are the cross-references in the "uniformed personnel" definition to: (1) the definitions of law enforcement officer and fire fighter in the LEOFF Retirement System Law; and (2) the definition of jail in the corrections law. The legislature could easily have cross-referenced the already-existing definition of corrections personnel found in Chapter 43.101 RCW, but did not do so. In the case of [RCW 41.56.030(7), footnote omitted] the draftspersons used specific terms:

... security personnel ... who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates.

Comparison of the two statutes readily indicates that the legislature used narrower terms in Chapter 41.56 RCW than in Chapter 43.101 RCW. There is no reference in the collective bargaining statute to the "care", "training", "treatment", "education", "supervision", or "counseling" of inmates. Indeed, the entire focus of the definition in RCW 41.56 030(7) is on the "confinement" aspect of the criminal justice training statute.

The Executive Director finds no basis in this record to ignore the "security" qualifier.

The "Jail" Component -

The employees at issue in this proceeding do meet the second of the conjunctive statutory criteria detailed in the Spokane County decision: They clearly work within the "secured perimeter" of a jail which meets the definition found in RCW 70.48.020.

The "Population" Component -

The employees at issue in this proceeding also meet the third of the conjunctive statutory criteria detailed in the Spokane County decision: Snohomish County clearly has a population greater than 70,000.

The "Training" Component -

The union would use an expansive interpretation of the term "trained for", so as to include occupational and professional training which enables jail staff members such as counselors and nurses to function through non-physical means of controlling inmates. There are substantial differences between the training made available for corrections support personnel under state law and the training required by state law for custody officers and

corrections officers. The discussion of the training component in Spokane County, supra, included quotations from course descriptions contained in a brochure issued by the state Criminal Justice Training Commission. The state training requirements were ultimately a controlling factor in the Spokane County decision.

The record in this case indicates that the training given to the disputed corrections support personnel never comes up to the level required by the state for the custody officers and corrections officers. Apart from a two-week to three-week training program that is conducted in-house by this employer, the training of new employees is as follows:

- * Employees other than the custody officers, corrections officers and corrections counselors have the option to take the one-week "support services academy" offered by the Criminal Justice Training Commission, but none of those employees are required to attend even that course.

- * The corrections counselors take a two-week adult services academy offered by the Criminal Justice Training Commission. That course is described as being the one-week support staff academy with an additional week for case management and reality therapy.

- * Only the custody officers and corrections officers at the Snohomish County Jail must complete the four-week basic training course prescribed by the state Criminal Justice Training Commission under RCW 43.101.220. That must be accomplished within their first six months of full-time employment.

The "Controlling and Maintaining Custody" Component -

In asserting that the Pierce County decision was "wrong", the union would place the entire focus on the "controlling and maintaining custody of inmates" which is the fifth of the definitional components identified in the Spokane County decision. The union appears to equate any inmate contact with custody and control, but such an interpretation would stretch the statutory language beyond recognition.

Evidence relating corrections support personnel to involvement with jail inmates was largely anecdotal, and does not differ substantially from situations described in the cases cited above.

* It is evident that an employee in one of the disputed classifications may be alone with an inmate for a period of time while carrying out their various responsibilities, but the cooks and medical personnel in Pierce County and the cooks in Spokane County were alone with inmates as much, if not more.

* It is evident that an incident of inmate misconduct may occur while one of the disputed employees is the closest in proximity to the situation. Again, however, the cooks and medical personnel in Pierce County and the cooks in Spokane County had similar exposure.

* It is evident that one of the disputed employees may be called upon to supervise or direct an inmate's work activities, but similar facts were found unpersuasive in Pierce County and Spokane County.

* Contradicting the union's "inmate contact" theory, it appears that the control officers never have any physical contact with inmates. The operation of electronic surveillance and remote control locks was found unpersuasive in Thurston County.

The Custody Officers and Corrections Officers

Although their status is not in dispute, information about the custody officers and corrections officers provides useful background to a detailed review of the disputed classifications. These employees complete the four-week basic training course required by state law, including physical fitness and skill tests, specific training in custody and control of inmates, proper means of transporting inmates, and the application and use of restraint devices. Only custody officers carry weapons.

Custody officers are the only employees involved in the armed transport of jail inmates, and they must requalify quarterly in the

use of firearms. Training and annual requalifying in defense tactics is required to continue employment for both custody officers and corrections officers.

It is clear from the record that custody officers are present in the jail modules at all times, and are responsible for inmate custody and control at all times, regardless of what other staff might be in the module.¹⁷ Only custody and corrections officers are authorized to conduct searches of inmates or their cells, to respond to emergency situations in the jail, to apply restraints, or determine when and how to use various restraints.

The Disputed Classifications

Although they are not determinative by themselves in any unit determination case, job descriptions promulgated by the employer in advance of the present controversy provide a useful statement of the scope of responsibilities of a given position. In this case, the job descriptions were admitted in evidence, and the parties had full opportunity to present evidence which either supported or contradicted those exhibits.

Booking Assistants -

There are nine booking assistants. Their job description is as follows:

BASIC FUNCTION

To perform a variety of complex office duties relating to prisoner booking and/or property, for the Snohomish County Jail.

STATEMENT OF ESSENTIAL JOB DUTIES

1. Reviews paper work from law enforcement agencies and courts for authority to book, release or transport prisoners.

¹⁷ Inmates are expected to obey a direct order from any corrections employee. Should an inmate fail to obey such an order, only the custody officers or corrections officers have responsibility for ensuring compliance.

2. Interviews prisoners to obtain needed information; enters booking, release and transportation data into computerized record system; contacts criminal justice agencies as necessary to obtain further information.
3. Checks booking information with state and national computer system to determine what warrants may be outstanding; takes identification pictures of incoming inmates.
4. Maintains continuous log of all activities in booking, release and transportation areas.
5. Receives and searches property from prisoners; searches mail for contraband; logs, stores, retrieves and returns property; routes money and valuables to the Cashier.
6. Issues jail clothing to inmates; arranges for cleaning of contaminated clothing.
7. Notifies owners of lost and/or found property; routes unclaimed property to Sheriff's Department property room.
8. Assists in compiling daily court list; calls courts and attorneys and uses computer system to determine which prisoners will be needed in each court.

STATEMENT OF OTHER JOB DUTIES

9. Performs related clerical duties and assists in other areas as required.

...

KNOWLEDGE AND ABILITIES

...

ability to:

- * communicate effectively with people of all ages and from a variety of cultural, economic and ethnic backgrounds;
- * obtain information from prisoners in the face of hostility and dispute;
- * establish and maintain effective working relationships with criminal justice system officials and staff, other county employees and the general public;
- * meet deadlines and cope with interruptions;
- * learn and be able to clearly explain applicable federal and state laws and county ordinances and established policies, procedures and practices of the Snohomish County Jail;
- * exercise good judgment under stressful circumstances;
- * operate standard office equipment including video terminal, typewriter, telephone and adding machine;
- * maintain accurate records and prepare required reports. ...

Booking assistants are responsible for the identification and booking of prisoners and the logging of inmate personal property. These responsibilities are primarily clerical in nature.¹⁸

At the time of the hearing, the booking assistants were not required to attend the support services training academy, although they were allowed to do so on a voluntary basis. Only one employee in this classification had requested this training.

Control Room Officers -

There are 13 control room officers. Their job description identifies the following responsibilities:

BASIC FUNCTION

To monitor and control the movement of jail personnel, inmates and visitors.

STATEMENT OF ESSENTIAL DUTIES

1. Monitors the movement of jail personnel, inmates and visitors within the jail utilizing T.V. monitors, radios and intercoms; monitors security systems such as module housing alarms, all door hinge pin alarms, window detectors, panic button alarms and smoke/fire detectors.
2. controls the movement of jail personnel, inmates, and visitors; observes and responds to unauthorized movements and/or emergency situation; corrects unauthorized movements by voice commands if possible; routes officers and/or patrol cars to designated locations as necessary; summons outside police, fire and medical assistance as necessary.
3. Maintains radio communications with custody officers in housing modules and in transit with prisoners; operates the internal radio communications systems to contact floor officers or receive panic button alarms; answers phone calls and relates information to authorized persons.
4. Controls and issues keys and maintains jail key log.

¹⁸ Two custody officers are assigned to the booking area at all times. During the booking process, prisoners are assigned a custody officer "escort", and that employee is responsible for the prisoner until they are escorted to the housing module.

...
KNOWLEDGE AND ABILITIES

- ...
ability to:
- * respond effectively in crisis or emergency situations;
 - * remain alert and responsive;
 - * identify suspicious acts utilizing T.V. monitor;
 - * monitor and operate a variety of detection devices and equipment simultaneously;
 - * read, understand and interpret work related laws, ordinances and established policies, procedures and practices of the Snohomish County Jail;
 - * understand and follow oral instructions and written procedures and guidelines;
 - * establish and maintain effective work relationships with other criminal justice system staff, county employees and the general public. ...

These employees staff the central control room and the two towers which overlook the inmate modules. Their basic responsibility is to monitor movement within the jail utilizing television monitors, to staff the jail's communication and alarm systems, and to provide additional observation for the custody officers. The control room officers work in locked and isolated spaces, and have only visual or audio contact with inmates.

Control room officers are not required to attend the support services academy, and may even have been precluded from that training at an earlier time. As a result of their own request, they now have that option.

Cooks -

Two county-employed cooks and two independent contractors work side-by-side, sharing responsibility for preparing food for all jail and work release inmates. The job description for the county-employed cooks includes:

BASIC FUNCTION

Participates in the preparation of all food for a juvenile or adult correctional facility on an assigned basis.

STATEMENT OF ESSENTIAL JOB DUTIES

1. Prepares and cooks vegetables, fruits, meats, soups, cereals, salads, desserts and beverages.
2. Cuts meats, bones and cleans fish and fowl; pits and grinds fruits; wraps and stores food products.
3. Operates mixers, ovens, choppers, shredders, steamers, grills, steam and fry kettles, and other food processing equipment as assigned.
4. Receives and checks incoming food and kitchen supplies; inspects food being prepared to ensure proper quality, quantity and handling.
5. Assists in determining amount of food to meet menu requirements; adjusts recipes for fluctuation in inmate population but not served.

STATEMENT OF OTHER JOB DUTIES

6. May instruct and train inmate kitchen help details in preparing, cleaning and handling food; directs inmates in kitchen cleaning activities; observes and reports on inmate behavior as necessary.
7. Performs all the duties of a cook's helper including cleaning.

...

KNOWLEDGE AND ABILITIES

- ...
- ability to:
- * prepare and cook meats, fish, fowl, vegetables and fruits;
 - * estimate and adjust quantities of ingredients in large scale recipes;
 - * prepare reports and keep accurate records;
 - * speak and write in a clear concise manner;
 - * follow oral and written instructions;
 - * maintain cooperative work relationships with others;
 - * work with minimum supervision. ...

In the course of performing their responsibilities, the cooks supervise inmates who are rated as the lowest security risks and who have been authorized to work in the kitchen. Usually the cooks oversee five inmate workers per shift.

The county-employed cooks are sent only to the one-week support services academy training course provided by the state Criminal Justice Training Commission.

Corrections Counselors -

The county employs nine counselors at the jail and four counselors at the county work release facility. Their job description details the following responsibilities:

BASIC FUNCTIONS

To counsel and develop treatment plans for offenders in the custody of the Snohomish County Department of Corrections.

STATEMENT OF ESSENTIAL JOB DUTIES

1. Interviews client prisoners and administers or evaluates diagnostic tests, reviews records and consults other professional sources in order to identify presenting problems, assess client needs, gather information regarding eligibility for various programs and become familiar with the client and his interests, abilities and other personal characteristics.
2. Analyzes information concerning the client to determine what Department of Corrections or outside agency programs will assist him to overcome his problems; matches prisoner needs and characteristics with programs and agencies in the Seattle-Everett area; makes referrals for treatment, educational and skills training and placement on leaving jail.
3. Conducts individual and group counseling sessions with prisoners and family members; provides personal guidance and emotional support to assist them in understanding and overcoming their emotional, social and personal problems; answers questions and discusses problems related to the jail situation, other prisoners and corrections staff; does crisis counseling with prisoners who are suicidal, extremely upset or having major problems dealing with their situation.
4. Acts as the liaison between the prisoner and the courts, attorneys, community alcohol services and designated mental health professionals, probation officers, the parole board and other components of the criminal justice system.
5. Coordinates auxiliary programs provided within the facility by outsiders such as adult basic education and haircuts; approves and arranges for prisoners' access to them.
6. Maintains liaison with area social and health service agencies to keep informed of services and facilities available and develop new resources; keeps abreast of new developments in

counseling and guidance through in-service training and personal reading.

7. Conducts follow-up interviews with past program participants to document outcomes and evaluate the effectiveness of services provided.
8. Maintains detailed case records and prepares required reports, forms and documents.

...

Statement of Essential Duties when Assigned to the jail Social Services Program

1. Develops and implements treatment plans for prisoners with alcohol, drug, sexual deviancy or other major life problems.
2. Arranges for financial and legal assistance, arranges interviews between prisoners and outside program staff; works with the State Department of Social and Health Services and charitable organizations such as the Salvation Army to arrange payment for outside agency services; makes transportation, temporary release and other special arrangements as necessary.
3. Serves as an intermediary between prisoners and corrections staff in cases of problems or conflict; arranges with staff for special visits, access to items in property boxes and other special privileges; makes recommendations concerning housing assignment; attends disciplinary hearings as a neutral observer and/or prisoner's advocate.
4. Prepares recommendations to the court or parole board regarding alternatives to incarceration; appears at sentencing or parole board hearings to explain proposed treatment programs; writes reports concerning inmate behavior, personality and progress to accompany recommendations, referrals, requests for financial assistance and transfers to other correctional institutions.
5. Reviews requests and makes arrangement for early releases, temporary releases and other special activities requiring court approval.

Statement of Essential Duties when Assigned to the Work Release Program

1. Screens work release applicants and presents their cases at staff meetings with a recommendation for or against acceptance into the program; develops and implements treatment plan for each applicant accepted for work release.
2. Counsels residents in financial planning, budgeting, job search and other necessary skills; contacts area employer and job placement services in attempting to develop jobs for residents.

3. Verifies residents' employment; conducts field checks with employers and treatment programs; monitors resident income and payments.
4. Monitors resident compliance with program rules; confronts program participants concerning inappropriate behavior or suspected rule violations; participates in disciplinary hearings involving residents on caseload; makes recommendations as to disposition.
5. Reviews requests for releases for outside appointments and visits; approves or denies requests and sets conditions of temporary release or arranges for administrative and/or court authorization in cases where counselor lacks temporarily (sic) release authority.

...

KNOWLEDGE AND ABILITIES

- ...
- Ability to:
- * effectively interview clients, prepare treatment plans, determine courses of action and evaluate individual progress;
 - * apply abstract principles, guidelines and concepts to concrete work situations;
 - * relate to and communicate with persons of diverse ages, social, economic, cultural and educational backgrounds;
 - * establish and maintain rapport with clients, guide them toward positive goals and communicate with them in both supportive and confrontive modes;
 - * respond effectively in crisis and emergency situations;
 - * express ideas and recommendations clearly and effectively both orally and in writing;
 - * establish and maintain effective working relationships with criminal justice system officials, community organizations and the agency staff, associates, other county employees and the public;
 - * follow oral and written instructions;
 - * maintain detailed records and prepare clear, concise written reports;
 - * exercise initiative and judgement and make decisions within the scope of assigned authority;
 - * read, interpret and apply work-related laws, rules and other regulations.

PHYSICAL EFFORT

No unusual physical effort. ...

The major responsibility of the counselors is to collect pertinent data concerning individual inmates, and to oversee individual

inmate treatment programs. In the work release program, counselors assess an inmate's eligibility for admission into various minimum security programs. In the jail, counselors are involved in making informed decisions concerning an inmate's housing assignment and suitability for participation in lower security situations. Counselors are also involved in decisions concerning inmate discipline. Counselors are also responsible for providing individual and group counseling, for overseeing inmate classes and to provide assistance with various personal problems of inmates. Examples of such issues include finances, job skill development, drug and alcohol counseling and anger management.

The counselors are required to take a state-provided two-week adult services training course within six months of their hire. That academy is specifically designed for employees such as institutional counselors and psychiatric social workers.

Maintenance Workers -

The job description for the four employees in the maintenance worker classification includes the following:

BASIC FUNCTION

To perform a variety of semi-skilled and skilled building and grounds maintenance tasks including a variety of routine building, electrical and plumbing repairs, routine mechanical maintenance and service work, electronic troubleshooting and repair and perform in an institutional setting.

STATEMENT OF ESSENTIAL DUTIES

1. Performs a variety of minor building repairs such as repairing or replacing baseboard molding, ceiling and floor tile, doors, locks and windows, patching leaking roofs and similar work.
2. Performs a variety of rough and finish carpentry work including remodeling a variety of structures and building bookcases, cabinets, doors, locks, shelves, stairs and other wooden structures and fixtures.
3. Hangs and/or repairs paneling, plasterboard and other drywall materials; tapes, spackle and sands drywall and prepares it for painting.

4. Paints a variety of interior and exterior building surfaces, fixtures and furniture, prepares surfaces for painting by sanding, scraping, washing and filling as necessary, mixes paints, stains, varnishes, epoxies and other protective coatings as required; applies paint or other protective coatings to surface being finished using brushes, rollers and/or spray painting equipment.
5. Performs a variety of minor electrical repairs such as replacing or repairing broken fixtures, outlets or switches. Installs new voltage lines from low voltage 24 volt to high 489 three phase volts.
6. Aligns electronic systems; troubleshoots and repairs solid-state circuitry, solders transistorized components. Analyzes and replaces video cameras and monitors a variety of intercom systems including telephones.
7. Installs, maintains and repairs a variety of plumbing fixtures including faucets, flushometers, sinks, toilets, urinals and water drain lines.
8. Welds a variety of objects to include rails, tables and chairs, boiler plate, etc., using AC and DC arc welder.
9. Inspects, maintains and services heating, ventilating, HVAC units and other mechanical equipment which conditions the interior atmosphere; lubricates and services pumps, motors, drive belts and adjusts equipment as necessary; cleans and performs minor repairs on oil burners and boilers including controllers.
10. Builds and installs concrete catch basins, retaining walls, walk-ways and other structures as directed; builds concrete forms and places reinforcing steel as required; mixes and pours concrete; trowels, sweep edges and finishes new concrete as necessary. Repairs holes in existing block and concrete structures using epoxies, patching cement and other fillers.
11. Inspects, maintains and services gas and electrical appliances as found in a large, self-contained institutional kitchen, this includes, but is not limited to, refrigeration equipment and compressors, ovens and grills, deep fryers, dishwasher and food carts.
12. Cleans, services and repairs commercial laundry washers and dryers to include motors, controls, belts, hearing element, bearing assemblies and laundry chemical dispensers.
13. Supervises Inmate Workers performing general maintenance tasks within the jail facility.

STATEMENT OF OTHER DUTIES

14. Maintains supply storeroom; delivers cleaning and other supplies to work areas.
15. Performs related duties as required.

...

KNOWLEDGE AND ABILITIES

...

Ability to:

- * communicate effectively with people of all ages and from a variety of cultural, economic and ethnic backgrounds;
- * perform skilled work in a number of building and construction trade areas;
- * diagnose and troubleshoot routine electrical, mechanical and plumbing problems and perform needed repairs;
- * read, interpret and work from a variety of blueprints, drawings, sketches and work requests;
- * use a variety of hand and power tools and test equipment skillfully and safely under a variety of work conditions;
- * learn how to operate and maintain maintenance equipment and newly installed devices as required by the position;
- * perform strenuous physical work;
- * read, understand and follow safety rules and regulations;
- * understand and follow oral and written instructions;
- * establish and maintain effective work relationships with superiors and coworkers;
- * deal courteously and tactfully with the general public.

PHYSICAL EFFORT

The work involves a variety of manual labor tasks requiring some strenuous physical effort such as lifting objects weighing in excess of fifty (50) pounds. ...

The maintenance employees are responsible for repairing and maintaining the physical and mechanical plant of the correction facilities. These employees may work with inmate trustees on occasion, and may work within the modules when inmates are present, but a custody officer is always present when the maintenance personnel are in the modules. The maintenance workers also carry radios which can be used to summon assistance from custody officers in the event it should become necessary.

Similar to the cooks, the maintenance workers are now authorized to attend only the one-week support services academy provided by the state Criminal Justice Training Commission.

Medical Personnel -

The jail medical unit staff includes a licensed practical nurse, six registered nurses, a corrections programs assistant, a medical unit secretary, a medical counselor, and a medical unit supervisor, working under differing job descriptions, as follows:

Licensed Practical Nurse - The job description for employees in this classification identifies the following responsibilities:

BASIC FUNCTION

To provide basic direct practical nursing care to inmates in the County Jail.

STATEMENT OF ESSENTIAL JOB DUTIES

1. Administers and dispenses prescribed medications; sets up medication trays according to written directions.
2. Assists with the preparation of treatment carts of daily treatments such as skin care, dressing changes, ointment applications, ear irrigations and the removal of slivers.
3. Summons help in a medical emergency; performs emergency treatment until the arrival of a registered nurse or a physician refers cases of severe pain or disorder to supervisor or physician in accordance with established policies.
4. Takes recordings of vital signs including respiration, temperature and blood pressure; determines patient's medical and physical needs; performs emergency medical treatment as required.
5. Charts information of patient's health status records and medication logs and prepares required reports.
6. Maintains inventory records of medications, supplies and equipment.

STATEMENT OF OTHER JOB DUTIES

7. Assists with maintaining the cleanliness of the work area.

...

KNOWLEDGE AND ABILITIES

...

Ability to:

- * utilize basic problem solving skills;
- * work and effectively communicate with inmates and co-workers;
- * utilize practical nursing knowledge and apply nursing techniques;
- * follow oral and written instructions;
- * keep records and prepare reports;
- * promptly and accurately assess emergency situations.

Registered Nurse - The registered nurse job description delineates the following scope of work:

BASIC FUNCTION

To assist in providing appropriate medical services for inmates in the County jail.

STATEMENT OF ESSENTIAL JOB DUTIES

1. Evaluates new inmate bookings regarding health status prior to jailing; reviews and records after booking process for medication and treatment needs.
2. Establishes priorities in emergency medical situations.
3. Evaluates medical problems and complaints of inmates; monitors vital signs when indicated such as temperature, pulse, respiratory rate and blood pressure, contacts doctors and dentists to verify medical problems, medications, treatments, and appointments; monitors inmate illnesses and/or diseases.
4. Keeps daily medical logs and establishes medical charts on inmates.
5. Receives medication and controlled substances and logs according to classification; writes up medication for drug dosages and medication times, maintains security for all medications, identifies drugs brought into jail and writes related legal reports.
6. Verifies special diet requests and updates diet list in jail kitchen.
7. Conducts physical assessments on long-term inmates to include lab work and vital signs.
8. Contacts doctors, nurses, and pharmacies in reference to inmates' medical diagnosis and medication treatment needs; counsels inmates regarding disease prognosis, confers with social workers and mental health professionals regarding medical needs and psychological evaluation of inmates.

9. Advises Director on jail medical policies and procedures; reviews medical billings for payment; makes recommendations as to cell placement on inmates with physical or mental conditions; organizes presentations and meetings with Corrections administrative staff pertaining to medical needs of inmates.

STATEMENT OF OTHER JOB DUTIES

10. May escort inmates to hospitals, doctor's appointments, and public health facilities for medical care.

...
KNOWLEDGE AND ABILITIES

...
Ability to:

- * use surgical and other medical equipment;
- * make prompt, accurate, independent decisions in emergency situations;
- * interpret a verity of medical data;
- * diagnose and treat a limited number of easily recognizable diseases and illnesses as specified in standing orders of a physician;
- * write and speak in an clear and concise manner;
- * effectively communicate with inmates and co-workers. ...

Programs Assistant - The job description for this classification includes the following:

BASIC FUNCTION

To perform a variety of complex office duties related to prisoner medical and counseling services for the Snohomish County Jail.

STATEMENT OF ESSENTIAL JOB DUTIES

1. Assists the general public on the phone by answering question, taking complaints, explaining services, policies, procedures and schedules.
2. Gathers, enters and updates information concerning prisoners, volunteers and agency personnel into computerized and manual information systems.
3. Conducts records checks on volunteer applicants using state and national computer systems to determine eligibility for security clearance.
4. Screens paper work concerning prisoners received from medical, social services and other agencies and initiates appropriate processing.
5. Assembles files for new prisoner/patients; maintains and updates prisoner records and

- preserves their confidentiality according to requirements of law and Departmental policy; verifies and reconciles inconsistent information; restructures files when prisoners are released.
6. Schedules and coordinates medical appointments, educational programs, prisoner haircuts and other services as directed; notifies appropriate staff of scheduled actions.
 7. Prepares and types notices, reports, form letters, forms, service invoices, cards, documents and correspondence.
 8. Supervises Inmate Workers assigned to program areas to clean and maintain prisoner library.

STATEMENT OF OTHER JOB DUTIES

1. Collects requests for legal materials from prisoners and obtains requested information from County Law Library.
2. Supervises interns and work experience program participants assigned to program areas.
3. Escorts volunteers, agency personnel and other visitors from reception area to destinations within maximum security areas.
4. May provide notary service to prisoners and their visitors.
5. Performs related clerical duties and assists in other areas as required.

...

KNOWLEDGE AND ABILITIES

...
Ability to:

- * communicate effectively with people of all ages and from a variety of cultural, economic and ethnic backgrounds;
- * obtain information from prisoners in the face of hostility and dispute;
- * establish and maintain effective working relationships with criminal justice system officials and staff, other County employees and the general public;
- * type accurately;
- * maintain records and prepare related forms, application, documents, statements and reports;
- * learn and retain complex procedures, laws and regulations;
- * work with minimum supervision;
- * follow oral and written instructions;
- * read, interpret and categorize data rapidly and accurately;

- * operate standard office equipment including telephones, typewriters, video terminals and adding machines;
- * meet deadlines and cope with interruptions;
- * make arithmetic calculation;
- * maintain records and prepare required reports.

The medical staff employees all deal with inmates directly in the course of performing their responsibilities. A custody officer is present when the nurses provide medical care to inmates in the modules. When medical services are provided in the medical unit, the inmate is usually escorted to the medical unit by a custody officer, and then is usually escorted back to the module by a custody officer. The medical counselor has face-to-face counseling sessions with inmates in the modules concerning reimbursement concerns. The medical unit secretary escorts inmates between the elevator lobby and the medical offices.¹⁹ Medical unit staff have access to a radio equipped with a "panic" emergency alarm should they be required to summon assistance to the medical unit. Even when escorting an inmate from one place to another, the medical staff personnel remain within the secured perimeter of the jail and under the control of the custody officers.

The medical personnel are only authorized to attend the support services academy.

Supervisory Personnel -

Each major classification described above has its own supervisor. The union asserts that the immediate supervisors of the employees in direct contact with inmates may fill in for their subordinates on specific occasions, and should also have access to interest arbitration. The job descriptions for the supervisors follow:

¹⁹ In its brief, the employer assumed that the union was not arguing that the medical unit secretary should have access to interest arbitration, but the union, in fact, did make that argument. A job description for the medical unit secretary was not entered into evidence.

Correction Counselor SupervisorBASIC FUNCTION

To supervise and coordinate the activities of the Social Services Unit of the Department

STATEMENT OF DUTIES

1. Plans, schedules, supervises and evaluates the work of subordinate counselors and support staff; participates in and makes recommendations regarding the selection, discipline, and termination of subordinate employees; supervises and coordinates the training of new employees.
2. Coordinates program services with other units within the department; screens new cases and assigns the appropriate staff; advises and assists other departmental employees as necessary.
3. Assists in the development of operational policies and procedures, as directed.
4. May give presentations regarding program services and activities, as required.
5. May perform all of the duties of a Corrections Counselor, as necessary.

...
KNOWLEDGE AND ABILITIES

...
Ability to:

- * plan, coordinate, supervise and evaluate the work of subordinate employees;
- * communicate effectively, both orally and in writing;
- * read, interpret and apply work related laws, rules and regulations;
- * establish and maintain effective work relationships with incarcerated individuals, other County employees, and with the general public.

...
SUPERVISION

The employee reports to the Support Services manager. The work is performed with considerable independence in accordance with established policies and procedures. The employee supervises the work of subordinate Corrections Counselors and Assistant Corrections Counselors. ...

Facility Maintenance Supervisor-CorrectionsBASIC FUNCTION

To plan, schedule, and supervise the work of employees engaged in the full range of building and grounds maintenance and repair work.

STATEMENT OF DUTIES

1. Supervises and coordinates the maintenance, repair, and remodeling of assigned building,

- grounds, and other facilities; assists in determining work priorities and prepares work schedules; orders and requisitions equipment, materials, and supplies as necessary; coordinates operations with other units and departments as required.
2. Plans, schedules, supervises, and evaluates the work of subordinate employees. instructs and trains subordinates as necessary; recommends various personnel actions to superiors as necessary including the hiring, discipline, transfer, and promotion of subordinates.
 3. Monitors and inspects work in progress and upon completion to ensure timely completion and compliance with instructions, procedures, and standards; assists subordinates as necessary, and resolves construction and maintenance problems as required; enforces safety rules and regulations.
 4. Reviews and evaluates work methods and procedures to ensure safe working conditions and efficient operations, and recommends changes as necessary.
 5. Develops, recommends, and implements preventative maintenance programs as required.
 6. Maintains necessary records and prepares required reports.

...
KNOWLEDGE AND ABILITIES

- ...
ability to
- * plan, schedule, supervise, and evaluate the work of subordinate employees;
 - * analyze and determine resource requirements for all types of construction, maintenance, and repair work;
 - * read, interpret, and work from a variety of blueprints, drawings, sketches, and work orders;
 - * perform skilled work in a number of different building, construction, electrical, and mechanical trades areas;
 - * use a wide variety of hand and power tools skillfully and safely under a variety of work conditions;
 - * operate and maintain a variety of standard motorized construction and maintenance equipment;
 - * read, understand, and enforce safety rules and regulations;
 - * recognize and correct unsafe working conditions;
 - * analyze a variety of construction, maintenance, and repair problems, and take appropriate remedial action;

- * communicate effectively, both verbally and in writing;
- * maintain complete and accurate written records, and prepare required reports;
- * establish and maintain effective work relationships with superiors, subordinates, co-workers, and the general public.

...

SUPERVISION

The employee reports to and receives general direction from an administrative superior, as assigned. The work requires considerable independent judgment by the employee who has considerable latitude in scheduling and assigning work to subordinate employees. The work is reviewed through status reports and results obtained. ...

Registered Nurse Supervisor

BASIC FUNCTION

To supervise the day-to-day provision of appropriate medical services for inmates in the County jail and Work Release Facility.

STATEMENT OF DUTIES

1. Plans, schedules, supervises and evaluates the work of registered nurses and nursing staff; participates in and makes recommendations regarding the selection, discipline and termination of subordinate employees; supervises and coordinates the training of new employees.
2. Confers with Programs manager and Jail Programs Administrator concerning program status and special medical services problems; develops and recommends policies and procedures to insure efficient operations and maintenance of jail security; implements changes in work priorities, procedures and methods.
3. Coordinates medical services activities with Corrections Department supervisors.
4. Serves as a member of the committee which reviews and revises cell area assignments of inmates in the maximum security facility and recommends cell placements for inmates with physical or mental conditions.
5. Inspects maximum security, work release and jail kitchen facilities for conformance to health and sanitation standards.
6. Reviews and verifies invoices for medical and pharmaceutical services.
7. Maintains necessary records and prepares required reports.

8. May perform all the duties of a registered nurse.

...

KNOWLEDGE AND ABILITIES

...

Ability to:

- * plan, coordinate, supervise and evaluate the work of subordinate employees;
- * read, interpret and apply work related laws, rules and regulations;
- * communicate effectively, both orally and in writing, and to prepare required reports;
- * analyze and solve work related problems and make decisions under pressure;
- * establish and maintain effective working relationships with inmates, physicians, criminal justice system officials, other county employees and the general public.

SUPERVISION

Employees perform assigned duties independently under the guidance of the Administrative Services Manager and an on-call physician. ...

The medical unit supervisor supervises all medical operations conducted in the jail. The supervisor has the responsibility for recommending inmate discipline for misbehavior in the medical offices, and to require the search of an inmate.

Conclusions on Eligibility for Interest Arbitration

None of the disputed corrections support personnel are specifically trained in firearms or physical responses, so as to be able to intervene in inmate emergencies. None of the disputed employees fills in for custody officers or corrections officers for a full shift.²⁰

²⁰ As noted in Spokane County, one side effect of the 1993 legislation may be to impede future assignment of support personnel to fill in for custody officers or corrections officers. Apart from the differences of training required by state law, the change of unit structure will give rise to work jurisdiction claims for each of the resulting bargaining units, so that temporary assignments that might have been acceptable in the past would now constitute "skimming" of bargaining unit work.

The job descriptions for the disputed positions undermine the union's arguments, because they all focus on the prime responsibilities of the corrections support personnel such as nursing, counseling, cooking, controlling traffic within the facility, or providing clerical support, rather than on controlling and maintaining custody of inmates. The primary purpose of interaction between these staff members and the inmates is to provide services within their specific expertise. Any "talking down" or "non-physical control" of inmates is incidental to their booking, counseling, food, maintenance, or medical services. Their limited training is by no means interchangeable with that of the custody officers or corrections officers in connection with providing "security" or "custody and control" of inmates.

The union's focus on the "direct supervision" mode of operation in the Snohomish County Jail actually works against the union here. Because inmates are housed in the modules, they are virtually always under the custody and control of a custody officer. With the exception of some medical treatments and the trustee-inmates who work in the kitchens, most other services or personnel are brought into the module to work with the inmates. This situation clearly illustrates that the custody officers are in charge of the inmates and responsible for what goes on in the module and for other staff that are in the module to provide services.

The union's argument that the Snohomish County Jail could not function without the disputed employees is not persuasive. The first response to the union's argument is that such concerted activity would not be protected by the Public Employees' Collective Bargaining Act, and could be enjoined under Port of Seattle v. International Longshoremen's and Warehousemen's Union, supra.²¹ Moreover, the record does not substantiate the union's claim:

²¹ The possibility of an unlawful strike has previously been rejected by the Commission as a basis for a unit determination. Clark County, Decision 290-A (PECB, 1978).

* The booking assistants perform duties of an office-clerical nature, and are responsible for administrative matters regarding inmates. Those functions could presumably be performed by custody officers or suspended during a work stoppage.

* The control room operators are part of the overall jail operation, but their principal functions are to supplement the custody officers by monitoring and to alert the custody officers if there is a "security" or "custody and control" problem which needs attention. The custody officers might have to be more vigilant in the absence of the control room operators, or might even have to take over the control room function, but the record does not support a conclusion that a breach of security is inevitable.

* The cooks may "train" and "supervise" inmates, but do not exercise the "security" and "custody and control" roles that are expected of the custody officers. The absence of the county-employed cooks might shift work to the independent contractors already on the premises, or might cause the employer to turn to outside sources, but would not directly jeopardize public safety.

* The counselors are responsible for development of treatment plans for offenders regarding the psychological motivation of criminals for their behavior. They do not exercise the same type of "security" and "custody and control" role that is expected of corrections officers, and their absence would not pose a risk of immediate threat to the public welfare.

* The maintenance workers only occasionally work with inmate trustees, and do not exercise the "security" and "custody and control" roles that are expected of custody officers and corrections officers. Their absence might lead to deferred maintenance or breakdowns going unrepaired, but there is no evidence that they are vital to preventing release or escape of inmates.

* The medical personnel are charged with the responsibility for the health of the inmates, which is far removed from maintaining "security" or "custody and control". Their absence might cause some deferred treatments and recordkeeping, and perhaps some hardships for inmates. In the absence of a medical unit within the

jail, custody officers or corrections officers might be called upon to transport ill or injured inmates for medical treatment elsewhere, but that would not directly lead to the release or escape of inmates.

* The supervisors, like their subordinates, have only incidental responsibility for inmates. They are not trained for, and they do not have responsibility for "security" or for the "custody and control" functions performed by the custody officers and corrections officers. Their functions could also be suspended in the absence of their subordinates, without any evidence that the public welfare would be jeopardized.

It can be acknowledged that the absence of the disputed employees would disrupt the normal functioning of the jail. Even then, there was no evidence that the Legislature was concerned in 1993 about any employees other than "security" employees who are "trained for" the "custody and control" of inmates.

Restructure of Bargaining Units

The Legislature has delegated responsibility to the Public Employment Relations Commission to determine the appropriate unit(s) for the purposes of collective bargaining:

RCW 41.56.060. DETERMINATION OF BARGAINING UNIT -- BARGAINING REPRESENTATIVE. The commission, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. In determining, modifying, or combining the bargaining unit, **the commission shall consider 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. ...**

[Emphasis by **bold** supplied.]

The Commission has subsequently described the unit determination function in the following fashion:

[T]he purpose [of unit determination] is to group together employees who have sufficient similarities (community of interest) to indicate that they will be able to bargain collectively with their employer. The statute does not require determination of the "most" appropriate bargaining unit. It is only necessary that the petitioned-for unit be an appropriate unit. Thus, the fact that there may be other groupings of employees which would also be appropriate, or even more appropriate, does not require setting aside a unit determination.

City of Winslow, Decision 3520-A (PECB, 1990) [emphasis by underlining in original].

The Commission routinely exercises its unit determination authority under RCW 41.56.060 to exclude supervisors from the bargaining units which contain their subordinates. This is done to avoid conflicts of interest within bargaining units.²² The right of supervisors to organize and bargain under Chapter 41.56 RCW is implemented through separate bargaining units of supervisors.²³

Within the realm of "non-supervisory" employees, the Commission has found units consisting of "all of the employees of the employer" to be appropriate.²⁴ It has also given general affirmation to the propriety of dividing an employer's workforce into two or more bargaining units:

²² City of Richland, Decision 279-A (PECB, 1978), affirmed 29 Wn.App. 599 (Division III, 1981), review denied 96 Wn.2d 1004 (1981).

²³ City of Tacoma, Decision 95-A (PECB, 1977); Municipality of Metropolitan Seattle (METRO) v. Department of Labor and Industries, 88 Wn.2d 925 (1977).

²⁴ E.g., City of Winslow, supra.

Units smaller than employer-wide may also be appropriate, especially in larger work forces. The employees in a separate department or division may share a community of interest separate and apart from other employees of the employer, based upon their commonality of function, duties, skills and supervision. Consequently, **departmental (vertical) units have sometimes been found appropriate** when sought by a petitioning union. [Footnote omitted.] Alternately, employees of a separate occupational type may share a community of interest based on their commonality of duties and skills, without regard to the employer's organizational structure. Thus, **occupational (horizontal) bargaining units have also been found appropriate**, on occasion, when sought by a petitioning union. ...

City of Centralia, Decision 3495-A (PECB, 1990) [emphasis by **bold** supplied].

There have been cases in which a petitioned-for bargaining unit has been rejected as inappropriate, once it has been analyzed as to its scope and impact. In City of Vancouver, Decision 3160 (PECB, 1989), a proposed unit would have stranded certain employees in units too small for them to ever implement their statutory bargaining rights, and was therefore deemed inappropriate. Likewise, in Forks Community Hospital, Decision 4187 (PECB, 1992), a proposed clerical/service/maintenance/technical unit in a relatively small facility would still have stranded other technical positions outside of the unit, and so was found inappropriate. In Port of Seattle, Decision 890 (PECB, 1980), a unit that would have artificially divided the employer's office-clerical workforce into two or more separate bargaining units was rejected. When confronted with an inappropriate unit that cannot be rehabilitated by a minor adjustment, the Commission must reject the proposed unit structure.

An existing unit structure is subject to change in the event of a change of circumstances. See, City of Richland, Decision 279-A (PECB, 1978), affirmed 29 Wn.App. 599 (Division III, 1981), review denied 96 Wn.2d 1004 (1981), and WAC 391-35-020. In City of

Yakima, supra, implementation of Commission precedent prohibiting mixed units was found to be a sufficient basis to divide a historical bargaining unit into two separate units, without raising a question concerning representation in either of the resulting units. In this case, the collection of bargaining units which have developed over many years in the Snohomish County corrections operations must be re-examined in the context of the change of the law to make some of the employees eligible for interest arbitration, and in view of the Commission precedents concerning the separation of those who have access to interest arbitration from those who do not.

The "Uniformed Personnel" Supervisors -

The lieutenants, sergeants, and work release supervisor stipulated as having access to interest arbitration have historically been in three different bargaining units. The job descriptions for those "uniformed personnel" supervisors are as follows:

Corrections Sergeant

BASIC FUNCTION

Supervises booking, releasing and security work on an assigned shift within the ... Jail.

STATEMENT OF ESSENTIAL JOB DUTIES

1. Plans, schedules, assigns duties, supervises and evaluates the work of subordinate corrections officers and staff; participates in and makes recommendations regarding the selection, discipline and termination of subordinate employees; may assume the responsibility of the shift commander in his/her absence.
2. Directs training of all new staff members and assumes responsibility for requests for special training from department administration; evaluates and counsels custodial officers in the performance of their duties; conducts on-the-job training for employees as needed.
3. Reviews jail records and logs including records for court appearances, makes decisions and approves all questionable bookings or releases of inmates; reviews all written reports submitted by officers concerning unusual occurrences or rule violations, reports unusual incidents, when appropriate, to supervisors on other shifts or in other agencies.

4. Makes all medical decisions concerning inmates being booked or those in custody in the absence of the jail nurse; insures that the work environment is maintained in safe and healthful condition; arranges for any needed maintenance work or removal of safety hazards; requisitions supplies and equipment as needed for the work of the jail.
5. Interprets jail policies and directs action taken during emergencies or unusual circumstances.
6. Intercedes and makes decisions involving problems between inmates, families, other law enforcement agencies and staff under supervision; recommends modifications or changes in jail policy and implements new operating procedures and other administrative changes.
7. Coordinates inmate transports with courts, hospitals and other agencies; arranges for hospital and special security guards; clears documentation for appearance, transfer and final release of inmates.

STATEMENT OF OTHER JOB DUTIES

8. May perform all the duties of a custodial officer.

...

KNOWLEDGE AND ABILITIES

...

Ability to:

- * plan, coordinate, supervise and evaluate the work of subordinate employees;
- * train and instruct new employees;
- * read, interpret and apply work related laws, rules, regulations and other related documents;
- * analyze and solve work related problems and make decisions under pressure;
- * communicate effectively with people of all ages and from a variety of cultural economic and ethnic backgrounds;
- * prepare a variety of reports and other written materials;
- * establish and maintain effective working relationships with prisoners, criminal justice system official, community agency staff, other county employees and the general public.
- * qualify periodically in weapons and yoshida use;
- * respond to crises and emergency situations;
- * work with minimum supervision;
- * plan and coordinate schedules.

SUPERVISION

Employees report to a Corrections lieutenant. the work is performed in accordance with established policies and procedures. Employees supervise the work of Custody Officers and clerical staff. ...

Corrections LieutenantBASIC FUNCTION

To supervise all jail operations on assigned shift.

STATEMENT OF ESSENTIAL JOB DUTIES

1. Coordinates jail activities directly and through subordinate supervisors; supervises officers assigned to housing areas, internal transportation, control room and reception areas; directs work of supervisors in booking/release and court transportation sections.
2. Determines staffing needs based on court and operational requirements; coordinates training and cross-training with the Administrative Officer; establishes work schedules to ensure adequate staffing.
3. Directs, supervises and evaluates the work of subordinates; recommends various personnel actions to the Detention Manager, including selection, promotion, reassignment and discipline.
4. Coordinates services of medical, counseling and food service personnel.
5. Controls jail in emergency situations; establishes a command post, dispatches Emergency Response Team and makes necessary emergency job assignments.
6. Acts as a member of the classification committee to determine inmate housing assignments; assigns inmates as inmate workers.
7. Maintains staff discipline; sits on disciplinary boards and makes disciplinary recommendations.
8. Prepares and reviews a variety of reports; prepares weekly reports for Detention Manager.

...

KNOWLEDGE AND ABILITIES

...

Ability to:

- * plan, coordinate, supervise and evaluate the work of subordinate employees;
- * read, interpret and apply work related laws, rules and regulations;
- * analyze and solve work related problems and make decisions under pressure;
- * communicate effectively with people of all ages and from a variety of cultural economic and ethnic backgrounds;
- * prepare a variety of reports and other written materials;
- * establish and maintain effective working relationships with prisoners, criminal justice

system officials, community agency staff, other county employees and the general public;

- * qualify periodically in weapons and yoshida use.

SUPERVISION

Employees report to the Detention Manager. The work is performed with considerable independence in accordance with established policies and procedures. Employees supervise the work of corrections sergeants, custody officers, clerical staff and other personnel as assigned. ...

Work Release Supervisor

BASIC FUNCTION

To supervise and coordinate the activities of Corrections Officers in Snohomish County Corrections' Work Release Facility.

STATEMENT OF DUTIES

1. Plans, schedules, assigns duties, supervises and evaluates the work of subordinate Corrections Officers and volunteers; makes recommendations concerning the selection, discipline and termination of subordinates; supervises and coordinates the training of new employees.
2. Coordinates unit activities with those of other units within the Department and outside agencies.
3. Monitors intake, booking and release of prisoners to insure compliance with court commitments; insures that department policies, and procedures concerning food, medications and resident supervision are followed.
4. Makes all medical decisions concerning residents in the absence of the Jail Nurse; insures that the work environment is maintained in a safe and healthful condition; arranges for any needed maintenance work or removal of safety hazards; requisitions supplies and equipment as needed for the work of the Work Release Facility.
5. Coordinates and directs facility and resident searches, urinalysis and breathalyzer tests and Work Release resident employment field checks as necessary.
6. Participates in review of Work Release Program applicants; arranges for resident transportation as needed.
7. Reviews jail records and logs including records for court appearances, makes decisions and approves all questionable bookings or releases of residents; reviews all written reports submitted by officers concerning unusual occurrences; reports unusual incidents, when appropriate,

to supervisors on other shifts or in other agencies.

8. Investigates and documents all alleged resident rule violation; reviews all incident reports and makes recommendations as necessary; participates in resident disciplinary hearings and acts as hearing officer when assigned.
9. Assists the Work Release Administrator in the operation, maintenance and security of the work release/minimum security facility.
10. Interprets Work Release and jail policies and directs action taken during emergencies or unusual circumstances.
11. Performs all the duties of a Corrections Officer as necessary.

...
KNOWLEDGE AND ABILITIES

...
Ability to:

- * plan, coordinate, supervise and evaluate the work of subordinate employees;
- * read, interpret and apply work related laws, rules and regulation;
- * analyze and solve work related problems;
- * communicate effectively, both orally and in writing, and prepare required reports;
- * enforce facility rules and procedures;
- * establish effective working relationships with residents, other county employees and the general public.

...
SUPERVISION

The employee reports to the Work Release Administrator. The work is performed with considerable independence and is reviewed through conferences and reports. The employee supervises the work of Corrections Officers. ...

From their job descriptions, these three classifications clearly have a substantial similarity of duties, skills and working conditions which form the basis for a conclusion that they have a community of interest under RCW 41.56.060.

For reasons set forth below, the origins of the historical bargaining units must be questioned at this time.

First, the "work release supervisor" classification has been included in a separate unit of supervisors, but the parties did not

put forth any evidence concerning the origins or history of that bargaining unit. There is no explanation or justification for the historical separation of the work release supervisor from the other classes now being stipulated as supervisory "uniformed personnel". To continue the historical separation under the changed circumstances would strand the work release supervisor classification in a one-person unit that would be inappropriate.²⁵

Second, the division of the "lieutenant" and "sergeant" classifications into two separate units reflecting their paramilitary ranks is in contravention of Commission precedents treating separate ranks as a single community of interest based on their mutual functions as the supervisors of rank-and-file employees.²⁶ The parties' stipulation in 1991 or 1992 to create the separate unit of sergeants would only have been approved under City of Seattle, supra, if: (1) the Commission's staff erred in its processing of the case; (2) the Commission's staff was unaware of other supervisors potentially eligible for inclusion in the same community of interest; or (3) the Commission's staff was misled into believing that the lieutenants and others of higher paramilitary rank were being excluded as "confidential employees". There was, in fact, a substantial delay in the processing of the union's petition filed in 1992 for a separate unit of lieutenants, and the parties' stipulation in that case was ultimately accepted without assurance that it would withstand scrutiny in the future.

The interest arbitration process is expensive and time-consuming for both employers and unions. The preservation of the historical unit structure cannot be justified, where it would create a potential for as many as three separate interest arbitration proceedings in the Snohomish County corrections operations. The union argued in its brief that this issue was not referenced in the union's petition, and so is not properly before the Commission, but

²⁵ See, Town of Fircrest, Decision 246 (PECB, 1977).

²⁶ See, for example, City of Seattle, Decision 1797-A (PECB, 1985).

no merit is found in that argument. Where the evidence establishes that the changed circumstances raised by the petitioner in a unit clarification case have also rendered the historical unit structure inappropriate, the Commission's authority is not limited to what may be very narrow issues specifically raised by a petition.²⁷ To hold otherwise would force the Commission to ignore inappropriate bargaining unit configurations. The three supervisory classifications which have access to interest arbitration must be placed in a single bargaining unit.

The Resulting Units -

In order to implement the supervisory separation under City of Richland and its progeny, and to also implement the avoidance of mixed units under Thurston County Fire District 9 and its progeny, it will be necessary to re-allocate the jail workforce into four bargaining units that are appropriate under RCW 41.56.060. Those units are as follows:

(1) A unit of non-supervisory "uniformed personnel", currently limited to employees in the custody officer and corrections officer classifications;

(2) A unit of supervisory "uniformed personnel", currently limited to the sergeant, lieutenant and work release supervisor classifications;

(3) A unit of non-supervisory support personnel, currently including all of the non-supervisory classifications stipulated by the parties or found in this proceeding to not be "uniformed personnel" within the meaning of RCW 41.56.030(7); and

(4) A unit of supervisory support personnel, currently including all of the supervisory classifications stipulated by the parties or found in this proceeding to not be "uniformed personnel" within the meaning of RCW 41.56.030(7).

²⁷ See, for example, King County, Decision 5018 (PECB, 1995).

FINDINGS OF FACT

1. Snohomish County is a political subdivision of the state of Washington, and is a public employer under Chapter 41.56 RCW. The county has a population in excess of 70,000 persons. Among other services, the employer operates corrections facilities which are jails as defined in RCW 70.48.020(5).
2. Teamsters Union, Local 763, a bargaining representative within the meaning of RCW 41.56.030(3), is the exclusive bargaining representative of employees working in the corrections facilities operated by Snohomish County.
3. Corrections and custody officers employed by Snohomish County are security personnel trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates.
4. Booking assistants employed by Snohomish County to work within the secured area of the county jail are responsible for a variety of office-clerical duties, but are not security personnel and are not trained for or charged with the responsibility of controlling and maintaining custody of inmates or for safeguarding inmates from other inmates.
5. Control room officers employed by Snohomish County to work within the secured area of the county jail are responsible for monitoring and controlling the movement of persons within the jail facility, but do not come in direct contact with inmates and are not trained for or charged with the responsibility of controlling and maintaining custody of inmates or for safeguarding inmates from other inmates.

6. Cooks employed by Snohomish County to work within the secured area of the county jail are responsible for the preparation of food for inmates of the correctional facility, and for the training or supervision of inmate workers assigned to assist in food preparation. The cooks are not security personnel and are not trained for or charged with the responsibility of controlling and maintaining custody of inmates or for safeguarding inmates from other inmates.
7. Corrections counselors employed by Snohomish County to work within the secured area of the county jail are responsible for the counselling of inmates and for developing treatment plans for inmates, but are not security personnel and are not trained for or charged with the responsibility of controlling and maintaining custody of inmates or for safeguarding inmates from other inmates.
8. Licensed practical nurses and registered nurses employed by Snohomish County to work in the secured area of the jail are responsible for providing direct medical services to inmates in the jail. They are not security personnel and are not trained for or charged with the responsibility of controlling and maintaining custody of inmates or for safeguarding inmates from other inmates.
9. Maintenance workers employed by Snohomish County to work in the secured area of the jail are responsible for performing a variety of semi-skilled and skilled building and grounds maintenance tasks. Maintenance workers are not security personnel and are not trained for or charged with the responsibility of controlling and maintaining custody of inmates or for safeguarding inmates from other inmates.
10. Program assistants employed by Snohomish County to work in the secured area of the jail are responsible for performing a

variety of office-clerical duties related to the delivery of medical and counseling services to inmates. Program assistants are not security personnel and are not trained for or charged with the responsibility of controlling and maintaining custody of inmates or for safeguarding inmates from other inmates.

11. The corrections counselor supervisor, the facilities maintenance supervisor and the registered nurse supervisor employed by Snohomish County to work in the secured area of the county jail are responsible for the coordination of activities within their respective areas of expertise, and for the supervision of the non-supervisory employees performing functions within their respective areas of expertise. They are not security personnel and are not trained for or charged with the responsibility of controlling and maintaining custody of inmates or for safeguarding inmates from other inmates.
12. The work release supervisor, corrections sergeants and corrections lieutenants are security personnel who are trained for and charged with the responsibility of controlling and maintaining the custody of inmates and for safeguarding inmates from other inmates. They have similar duties, skills and working conditions, and have a community of interests arising out of their mutual roles as the supervisors of custody officers and corrections officers employed in the county corrections facilities.
13. There is presently only one employee in the work release supervisor classification.
14. All of the employee classifications involved in this proceeding are covered by the same pay plan and by the same employee benefit plans.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.56 RCW and Chapter 391-35 WAC.
2. Employees in the custody officer, corrections officer, work release supervisor, sergeant and lieutenant classifications are security personnel trained for and charged with the responsibility of maintaining the custody of inmates in the jail and safeguarding inmates from other inmates, and so are "uniformed personnel" within the meaning of RCW 41.56.030(7) as amended by Chapter 379, Laws of 1993.
3. Employees in the work release supervisor, sergeant and lieutenant classifications are supervisors whose exclusion from the bargaining unit containing their subordinates is warranted under RCW 41.56.060, to avoid a potential for conflicts of interest.
4. Employees in the work release supervisor, sergeant and lieutenant classifications have a community of interest under RCW 41.56.060, based on the similarity of their duties, skills and working conditions as supervisors. Continuation of the historical separation of those classifications would be inappropriate under RCW 41.56.060, due to fragmentation of the supervisory workforce and prejudice to the bargaining rights of the work release supervisor.
5. Employees in the booking assistant, control room officer, cook, corrections counselor, licensed practical nurse, maintenance worker, program assistant, and registered nurse classifications are not "uniformed personnel" within the meaning of RCW 41.56.030(7) as amended by Chapter 379, Laws of 1993. The employees in those classifications properly remain under RCW 41.56.060 in a bargaining unit with all other non-

supervisory corrections employees who are not "uniformed personnel".

6. Employees in the counseling supervisor, facility maintenance supervisor, and registered nurse supervisor classifications are not "uniformed personnel" within the meaning of RCW 41.56.030(7) as amended by Chapter 379, Laws of 1993. The employees in those classifications properly remain under RCW 41.56.060 in a bargaining unit with all other supervisory corrections employees who are not "uniformed personnel".

ORDER CLARIFYING BARGAINING UNITS

The bargaining units formerly constituted among employees of the Snohomish County correctional facilities are hereby clarified and re-allocated as follows:

1. A unit of all full-time and regular part-time non-supervisory "uniformed personnel", currently limited to employees in the custody officer and corrections officer classifications, excluding all other employees of the employer.
2. A unit of all full-time and regular part-time supervisory "uniformed personnel", currently limited to the sergeant, lieutenant and work release supervisor classifications, excluding all other employees of the employer.
3. A unit of non-supervisory support personnel, currently including the accounting assistant, booking assistant, control room officer, cook, corrections assistant, corrections assistant II, corrections counselor, court team clerk, licensed practical nurse, maintenance worker, program assistant, registered nurse, and work release assistant II classifications, excluding all other employees of the employer.

4. A unit of supervisory support personnel, currently including the accounting supervisor, counseling supervisor, facility maintenance supervisor, records supervisor and registered nurse supervisor, excluding all other employees of the employer.

Issued at Olympia, Washington, on the 30th day of November, 1995.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless appealed by filing a petition for review with the Commission pursuant to WAC 391-35-210.