

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the joint)	
petition of:)	
)	
KING COUNTY)	CASE 15142-C-00-976
and)	
WASHINGTON STATE COUNCIL OF)	DECISION 7397 - PECB
COUNTY AND CITY EMPLOYEES)	
)	
For clarification of an existing)	ORDER CLARIFYING
bargaining unit)	BARGAINING UNITS
)	
)	

Robert Railton, Labor Negotiator, appeared on behalf of King County.

Michael D. Planet, Court Administrator, appeared on behalf of King County Superior Court.

John Cole, Assistant Director for Staff Services, appeared on behalf of the union.

On April 14, 2000, King County (employer) and Washington State Council of County and City Employees, Council 2 (WSCCCE), jointly filed a petition with the Public Employment Relations Commission under Chapter 391-35 WAC, seeking a realignment of bargaining units to reflect a reorganized structure of operations adopted by the employer. A pre-hearing conference was conducted by Hearing Officer Katrina I. Boedecker on March 19, 2001.¹ During the pre-hearing conference the parties entered into stipulations to resolve this matter. This order is issued to accept and implement the parties' stipulations.

¹ Processing of the petition was delayed up to that time, because the parties were seeking resolution on their own.

BACKGROUND

King County is the most-populated county in the state, and has collective bargaining relationships with organizations representing numerous bargaining units within its workforce.

The Washington State Council of County and City Employees is a labor organization which represents local government public employees throughout the state of Washington.

On November 25, 1970, the WSCCCE was certified as exclusive bargaining representative of a bargaining unit described as:²

All full-time and regular part-time employees of King County Washington Juvenile Court. Excluded: Director; court commissioner; secretary to the director; director of probation and detention; secretary-administrative to the superintendent of detention; staff training specialist; secretary-judicial to the director of probation and detention; superintendent of detention; assistant superintendent of detention; secretary to the court commissioner; shift superintendents; physician; head nurse and nurses; probation services supervisor; secretary-personnel to the probation service supervisor; case work supervisors I; case work supervisors II; business manager; secretary to the business manager; superintendent of building; assistant program coordinator; deputy prosecuting attorney.

² That certification was issued by the Washington state Department of Labor and Industries (L&I), which administered Chapter 41.56 RCW from 1967 through 1975. Records for L&I Case 0-742 and other L&I records were transferred to the Commission under RCW 41.58.800.

The operation became known as the "Department of Youth Services" at an unspecified time after 1970.

The reorganization which triggered this unit clarification proceeding occurred during or about January 2000. Since that reorganization, some of the work formerly done in the Department of Youth Services is being done by employees who work for the King County Superior Court. Those employees have dual employers under language in RCW 41.56.030(1) which reads:

For the purposes of this section, the public employer of . . . superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective . . . superior court.

The job classifications and wage schedules used for King County Superior Court employees are different from those used for King County employees.

On January 10, 2001, another organization filed a representation petition with the Commission under Chapter 391-25 WAC, seeking to replace the WSCCCE as exclusive bargaining representative of juvenile detention personnel formerly employed in the Department of Youth Services and currently employed in the King County Department of Adult and Juvenile Detention. Case 15570-E-01-2591 was docketed, and is being processed separately. Under an investigation statement issued on June 7, 2001, under WAC 10-08-130 and WAC 391-25-220(2), the parties to that proceeding stipulated the description of an appropriate bargaining unit as:

All full-time and regular part-time employees of the Juvenile Division of King County Department of Adult and Juvenile Detention, excluding supervisors, confidential employees, and special project employees.

That representation proceeding preempts this unit clarification proceeding as to the employees involved there. See WAC 391-35-110(1).

THE STIPULATIONS

At the pre-hearing conference in this case, the parties entered into stipulations concerning four bargaining units, as follows:

1. A bargaining unit of jointly-employed supervisors, described as follows:

King County and King County Superior Court recognize the Washington State Council of County and City Employees, Council 2, as the exclusive bargaining representative for full-time and regular part-time first line supervisors in the Division of Juvenile Probation (Juvenile Probation Counselor Supervisors and Administrative Service Supervisors IV); Business and Finance Officer IIs working in the Division of Administrative Services; Juvenile Justice Grants Program supervisors in the Special Sex Offender Disposition Alternative Program, the Diagnostic Program; Community Programs; and Functional Family Therapy/Aggression Replacement Therapy Programs; excluding second level supervisors, all non-supervisory and confidential employees, and employees in Crime Free Futures, the Victim Inclusion Project, and the Review Monitor Program.

2. A bargaining unit of jointly-employed non-supervisory employees, described as follows:

King County and King County Superior Court recognize the Washington State Council of County and City Employees, Council 2, as the exclusive bargaining representative for full-time and regular part-time employees in the Division of Juvenile Probation; employees of Administrative Services in the classifications of Fiscal Specialist II and IV, and employees in the Juvenile Justice Grants Program in the Special Sex Offender Disposition Program, the Diagnostic Program; Community Programs, and Functional Family Therapy/Aggression Replacement Therapy Programs, and Functional Family Therapy/Aggression Replacement Therapy Programs; and employees in the Juvenile Services Division of the Partnership for Youth Justice Program in the Administrative Specialist II classification; excluding all supervisory and confidential employees, and employees in Crime Free Futures, the Victim Inclusion Project, and the Review Monitor Program.

3. A bargaining unit of non-supervisory facilities maintenance employees of King County, described as follows:

King County recognizes the Washington State Council of County and City Employees, Council 2, as the exclusive bargaining representative for full-time and regular part-time employees excluding supervisory and confidential at the Youth Services Center unit of the Facilities Maintenance Division of the Department of Construction and Facilities Management.

4. A bargaining unit of supervisory employees of King County, described as:

King County recognizes the Washington State Council of County and City Employees, Council 2, as the exclusive bargaining representative for full-time and regular part-time first line supervisors in the King County Juvenile Detention Division of the King County Department of Adult and Juvenile Detention; excluding all second level supervisors and non-supervisory and confidential employees.

Thus, the parties have suggested that the employees in the historical "Department of Youth Services" bargaining unit should be divided into five separate bargaining units.

The employer has not questioned the ongoing majority status of the WSCCCE as exclusive bargaining representative of any of the bargaining units remaining at issue in this proceeding.

The Executive Director has reviewed the parties' stipulations and announced intentions, and concludes that they are consistent with the statutory intent, and with Commission policy and precedent. Due to the reorganization, the previous one bargaining unit in the Department of Youth Services is no longer appropriate. The unit structure proposed by the employer and the WSCCCE will better reflect the communities of interest existing among the employees at this time.

FINDING OF FACT

1. King County is a political subdivision of the state of Washington, and is a public employer within the meaning of RCW 41.56.030(1).

2. Washington State Council of County and City Employees, Council 2, AFSCME, AFL-CIO, is a bargaining representative within the meaning of RCW 41.56.030(3).
3. In representation proceedings conducted during or about 1970, Council 2 was certified as exclusive bargaining representative of employees in the "juvenile court" operations of King County.
4. The parties stipulate that, subsequent to a reorganization implemented during or about 2000, the work of the bargaining unit described in Finding of Fact 3 has been divided between King County and the King County Superior Court.
5. Juvenile detention employees formerly included in the bargaining unit described in Finding of Fact 3 are the subject of separate proceedings under Chapter 391-25 WAC in Case 15570-E-01-2591, and are no longer involved in this proceeding.
6. The stipulated bargaining units proposed by the parties for the employees formerly included in the bargaining unit described in Finding of Fact 3, after exclusion of the employees referenced in Finding of Fact 5, (consisting of: A bargaining unit of jointly-employed supervisors, a bargaining unit of jointly-employed non-supervisory employees, a bargaining unit of non-supervisory facilities maintenance employees of King County, and a bargaining unit of supervisory employees of King County), and appear to reflect the current employment relationships and supervisory structure for the employees involved.

7. No question concerning representation has been raised as to the continued majority status of the Washington State Council of County and City Employees, Council 2, for any of the four bargaining units described in Finding of Fact 6.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.
2. Based on changed circumstances, the historical bargaining unit in the Department of Youth Services has ceased to be an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060.
3. The division of the employees involved in this proceeding into four bargaining units as stipulated by the parties (consisting of: A bargaining unit of jointly-employed supervisors, a bargaining unit of jointly-employed non-supervisory employees, a bargaining unit of non-supervisory facilities maintenance employees of King County, and a bargaining unit of supervisory employees of King County), appears to be an appropriate configuration of bargaining units under RCW 41.56.060.

ORDER CLARIFYING BARGAINING UNITS

1. The "King County Washington Juvenile Court" bargaining unit certified by the Department of Labor and Industries in its

Case 0-742 (1970), exclusive of the employees now working in the Juvenile Division of the Department of Juvenile and Adult Detention, is restructured into four separate bargaining units, as follows:

- a. A bargaining unit of supervisors jointly employed by King County and the King County Superior Court in juvenile detention operations, excluding elected officials, appointed members of boards and commissions, confidential employees, and non-supervisory employees;
 - b. A bargaining unit of non-supervisory employees, jointly employed by King County and the King County Superior Court in juvenile operations, excluding elected officials, appointed members of boards and commissions, confidential employees, and supervisors;
 - c. A bargaining unit of non-supervisory facilities maintenance employees of King County assigned to juvenile operations, excluding elected officials, appointed members of boards and commissions, confidential employees and supervisors; and
 - d. A bargaining unit of supervisors employed by King County in juvenile operations, excluding elected officials, appointed members of boards and commissions, confidential employees and non-supervisory employees.
2. The restructure and redescription of bargaining units in this order shall not be interpreted as infringing upon the contrac-

tual rights of the parties under any existing collective bargaining agreement, subject to the following:

- a. This order does not give rise to any "certification bar" under RCW 41.56.070 or WAC 391-25-030(2).

- b. This order shall be implemented not later than the commencement of negotiations between the parties on any successor contract to replace a collective bargaining agreement now in effect between them, and shall be deemed to be in effect for purposes of processing any "contract bar" issue or other issues raised in a representation proceeding under Chapter 391-25 WAC.

Issued at Olympia, Washington, on the 7th day of June, 2001.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-35-210.