

During the course of the conference, the parties stipulated to most issues pertinent to a representation proceeding, but the employer objected to proceeding with the question concerning representation while an unfair labor practice case 13635-U-98-3337 is pending before the Commission. An investigation statement of results from the conference call was issued on January 30, 1998 pursuant to WAC 10-08-230 giving the parties a period of 10 days in which to file and serve objections to the statement of results. No objections were filed.

On February 5, 1998, the petitioner filed a request to proceed under WAC 391-25-370. The petitioner acknowledged that the Commission will not entertain objections in this representation case based upon conduct alleged in the unfair labor practice case.

Absence of Contested Issues

The "blocking charge" rule protects the agency from duplication or waste of effort. WAC 391-25-370 does not enable an employer to delay or avoid a timely representation election where a union which has filed unfair labor practice charges files a request to proceed.

In City of Redmond, Decision 1367-A (PECB, 1982), the Commission provided direction to get on with the early determination of questions concerning representation whenever possible, and to defer hearings and determinations on issues which do not necessarily affect the outcome of the question concerning representation. The same principle is even more apt in this case, where all of the legal arguments advanced are controlled by established precedent. The Executive Director thus deems it appropriate to proceed with conducting the election, without remand of these arguments for a hearing.

Determination Methodology

The parties offered differing suggestions as to the arrangements for determining the question concerning representation. The petitioner requested that a cross-check be conducted, while the employer requested a mail ballot election. In a companion case 13591-E-97-2275, a mail ballot election is being directed for the support personnel in the same department. Using different procedures for the two units could well be a cause confusion among the employees. Therefore, a mail ballot election will also be the appropriate method to use in this case.

DIRECTION OF ELECTION

A representation election shall be conducted by secret ballot, under the direction of the Public Employment Relations Commission, among:

All full-time and regular part-time deputy sheriffs of the Klickitat County Sheriff's Office, excluding elected officials, supervisors, confidential employees, corrections, support staff, and all other employees,

for the purposes of determining whether a majority of the employees in the unit desire to be represented for the purposes of collective bargaining by the Klickitat County Deputy Sheriff's Association, or by no representative.

Issued at Olympia, Washington, on 24th day of February, 1998.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing timely objections with the Commission pursuant to WAC 391-25-590.