STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
)
WASHINGTON STATE COUNCIL OF   )   CASE 8112-E-89-1376
COUNTY AND CITY EMPLOYEES   )
)
Involving certain employees of:)   DECISION 3321-A - PECB
)
PIERCE COUNTY   )   ORDER CLOSING CASE
)
_____)

       John F. Cole, Business Representative, for the union.

       John W. Ladenburg, Prosecuting Attorney, by Richard H.
       Wooster, Deputy Prosecuting Attorney, for the employer.

The petition for investigation of a question concerning repre-
sentation was filed in the above-entitled matter on July 31, 1989.
The parties entered into an Election Agreement and a Supplemental
Agreement pursuant to the rules of the Commission. A representa-
tion election was conducted on October 11, 1989, and an Interim
Certification was issued on October 19, 1989,[1] designating the
Washington State Council of County and City Employees as the
exclusive bargaining representative of:

> All full-time and regular part-time employees
> of the Pierce County Juvenile Courts, Depart-
> ment of Juvenile Detention; excluding super-
> visors, confidential employees, and all other
> employees of the employer.

On January 10, 1990, the parties appeared at the time and place
designated for a hearing on the issues reserved in the supplemental
stipulation and thereupon stated a stipulation on the record, to
resolve the issues reserved in the Supplemental Agreement as follows:

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[1]   Pierce County, Decision 3321 (PECB, 1989).

The inclusion of the maintenance mechanic classification;

The inclusion of the institutional nurse classification;

The exclusion of the juvenile detention specialist III classification, which is a reclassification of those employees identified in the previous document as juvenile detention specialist II;

The inclusion of juvenile detention specialist I/custodian;

And the inclusion of juvenile detention specialist I.

Those working in the juvenile detention specialist I/custodian and juvenile detention specialist I classification would be identified as members of the bargaining unit if they worked in the following conditions:

Greater than 20% of the normal scheduled work hours within four consecutive weeks or more than one-sixth of the normal work week for 13 pay cycles as identified by the County.

It therefore appears that no current dispute exists concerning the selection of a bargaining representative or the allocation of positions or classifications to bargaining units.[2]

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[2]   In reaching this conclusion, the Executive Director is mindful of a letter written by Mr. Wooster on October 23, 1990, asking for confirmation of the intent of the terminology "wages, hours and working conditions" used in certifying this unit of "dual status" employees controlled by Zylstra v. Piva, 85 Wn.2d 743 (1975). The language of the certification, and of the statute upon which it is based, cannot confer any authority upon Pierce County that it does not have, cannot require the transfer to Pierce County of authority that is currently properly held by the Superior Court for Pierce County, and cannot obligate Pierce County to bargain about things not within its authority. On the other hand, use of the statutory terms found in RCW 41.56.030(4) to define the "scope of bargaining" conforms to the intent of the Supreme Court in Zylstra to make bargaining available to employees on as broad a scope as is possible, and makes clear that Pierce County will be obligated to bargain concerning any and all authority over "wages, hours and working conditions" that it already has or happens to obtain in the future.
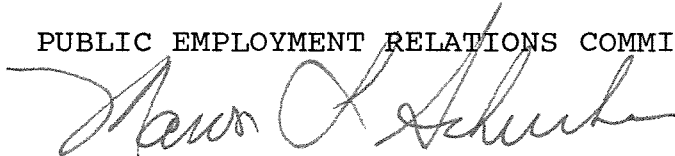
NOW, THEREFORE, it is

ORDERED

1. The stipulation of the parties for resolution of the issues reserved in the Supplemental Agreement in the above-entitled matter is accepted as specified herein.

2. The certification issued on October 19, 1989 will stand as the certification of representatives in this case.

3. The above-entitled matter is now closed.

DATED at Olympia, Washington, this __9th__ day of April, 1990.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARVIN L. SCHURKE, Executive Director