

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

OAK HARBOR POLICE MANAGEMENT
ASSOCIATION

Involving certain employees of:

CITY OF OAK HARBOR

CASE 24961-E-12-3732

DECISION 11450 - PECB

ORDER CLOSING CASE

On July 2, 2012, the Oak Harbor Police Management Association (Association) filed a petition to represent certain employees of the City of Oak Harbor (employer). The Association's original petition sought a bargaining unit consisting of the two commissioned police lieutenants and one non-commissioned administrative assistant employed within the employer's police department. Because the original petition sought a unit configuration that inappropriately mixed interest arbitration eligible employees with non-interest arbitration eligible employees in violation of WAC 391-35-310, a deficiency notice was issued and the Association was given time to cure the defects in its petition. On July 27, 2012, the Association filed an amended petition seeking only the two lieutenants employed by the department, thereby curing the obvious defect found in the original.

On August 17, 2012, Representation Case Administrator Dario de la Rosa conducted an investigation conference with the parties. During the conference, the employer stated that one of the two petitioned-for employees had resigned his employment with the department. Accordingly, the eligibility list included only one employee.

"A bargaining unit cannot be considered appropriate if it includes only one employee." WAC

391-35-330. Here, the evidence clearly demonstrates that only one employee occupies the lieutenant position in the employer's police department. Therefore the case must be dismissed at this time because the Association seeks an inappropriate unit. Should the second lieutenant position be refilled in the future, nothing would preclude the Association from filing a new representation petition at that time.

NOW, THEREFORE, it is

ORDERED

The petition filed by the Oak Harbor Police Management Association in the above-captioned case is DISMISSED.

ISSUED at Olympia, Washington, this 23rd day of August, 2012.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, Executive Director