

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AFSCME, AFL-CIO	)	CASE NO. 2581-C-80-121
	)	DECISION NO. 1064 - PECB
For clarification of an existing bargaining unit employees of:	)	
THURSTON COUNTY COMMUNICATIONS DEPARTMENT	)	ORDER CLARIFYING BARGAINING UNIT

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Richard D. Bever, staff representative, appeared on behalf of the union.

Charles N. Earl, chief administrative officer, appeared on behalf of the employer.

By petition filed February 4, 1980, Washington State Council of County and City Employees, AFSCME, AFL-CIO (hereinafter "petitioner") requested the Public Employment Relations Commission to clarify an existing bargaining unit of employees of Thurston County Communications Department (hereinafter "employer") with respect to the Communication Officer III position. A formal hearing was conducted before Kenneth J. Latsch, Hearing Officer, on August 12, 1980. The parties did not submit post-hearing briefs.

POSITIONS OF THE PARTIES

Petitioner argues that the Communications Officer III position should be included in the existing bargaining unit because employees holding the disputed position spend a majority of time performing bargaining unit work. Petitioner maintains that the Communication Officer III position does not possess true supervisory authority, and employees holding the position are working foremen or lead persons who should be included in the existing bargaining unit.

The employer contends that the Communication Officer III position should be excluded from the existing bargaining unit. The employer argues that employees holding the disputed position effectively recommend hiring, transfer, discipline and discharge of department employees; make semi-annual employee evaluations; and participate in the modification of department personnel policies. The employer further contends that exclusion is appropriate because supervisory employees have never been included in the existing bargaining unit.

BACKGROUND

The Thurston County Communications Department is responsible for the operation of the 911 Emergency Dispatch Center, through which members of the public can obtain police, firefighters and ambulance services. The department is operated under terms of an intergovernmental agreement executed between Thurston County and cities within the county. An Operations Board composed of fire chiefs and police chiefs from participating cities establishes procedures for the dispatching system. An Administration Board composed of mayors from participating cities and one Thurston County Commissioner approves and administers the dispatch program budget. The Administration Board also retains authority to hire and terminate the department's director. While funding for the program is derived, in part, from cities within Thurston County, department personnel are considered to be Thurston County employees subject to county personnel policies. Following a cross-check of records conducted by the Department of Labor and Industries in 1974, Washington State Council of County and City Employees, Local 618-C was certified as the bargaining representative of all department employees excluding supervisors. At the date of hearing, the Director, the Assistant Director and the Communications Officer III's were excluded from the bargaining unit.

The department consists of 22 employees who operate the emergency dispatching system. The Director of the Thurston County Communications Department directs the department's general operation and coordinates services for the government units participating in the emergency dispatch program. An Assistant Director assumes supervision of the department in the Director's absence and establishes work schedules.

Dispatching duties are generally performed by employees classified as Communication Officer I and Communication Officer II. The Communication Officer I position is filled by entry level employees who receive and record calls for assistance. Employees in the Communication Officer II classification dispatch emergency personnel based on information gathered by the Communication Officer I. Department employees work a 40 hour week on rotating eight hour shifts. The Dispatch Center operates 24 hours a day, seven days a week.

In addition to the Communication Officer I and Communication Officer II positions, the department employs four individuals in the Communication Officer III classification who direct emergency dispatching operations. The four employees have not received specialized training to fill the Communication Officer III position. Rather, they have been promoted from lower classifications and hold the disputed position on the basis of experience in dispatching operations. Apart from a higher rate of pay, the Communication Officer III's receive the same benefits offered to bargaining unit employees.

The Communication Officer III's train employees and can order remedial course work to improve job performance. As part of their regular duties, Communication Officer III's prepare semi-annual employee evaluations used to determine promotions. The evaluations are submitted to the Director of the department who regularly follows recommendations made in the employee evaluations. The Communication Officer III's do not participate in the grievance procedure but can adjust adverse evaluations on an informal basis. The Communication Officer III's have authority to call in additional personnel and can schedule overtime. Employees in the disputed position also approve sick leave and vacations. Communication Officer III's participate in monthly management meetings attended by the Director and Assistant Director. At these meetings, department personnel policies are reviewed, and suggestions submitted by the Communication Officer III's have been accepted and implemented. The Communication Officer III's interview candidates for employment and prepare separate interview evaluations which are sealed and submitted to the department Director for final approval. All emergency dispatching employees are hired based on the recommendations made by the Communication Officer III's. A similar procedure exists for employee discharges, but the employees in question have not had occasion to make such recommendations.

The most senior Communication Officer III has the unofficial position of Chief Dispatcher. This employee spends at least 75 percent of the work shift engaged in schedule planning. Coordinating with the Assistant Director, the Chief Dispatcher insures that the dispatch center has adequate personnel to operate on a 24 hour basis. When the Director and Assistant Director are absent from the department, the senior Communication Officer III on duty assumes supervision of the entire dispatch center. The Director and Assistant Director are both absent from the department at least once a month in order to attend professional meetings held throughout the state.

The Chief Dispatcher fills in for bargaining unit employees during lunch breaks and other break periods, but does not otherwise perform dispatching duties. On the infrequent occasions when two Communication Officer III's are assigned to the same work shift, the most senior assumes responsibility for the shift, and the other Communication Officer III performs dispatching functions. The disputed employees

other than the Chief Dispatcher, spend approximately 50 percent of the work shift in dispatching activities. However, the Communication Officer III's are expected to monitor department functions at all times, and the amount of dispatching work performed by employees in the disputed position varies according to the number of emergency calls received. In the event no Communication Officer III is present on a work shift, the most senior Communication Officer II directs dispatching operations but does not, it appears, assume the Supervisor's hiring or evaluation responsibilities.

#### DISCUSSION

Petitioner argues that employees in the disputed position are lead persons or working foremen who should be included in the existing bargaining unit. While Communication Officer III's do perform some bargaining unit work, inclusion would be inappropriate. The Public Employment Relations Commission has included lead persons in existing bargaining units. See Bethel School District No. 403, Decision No. 882-A (1980, PECB). However, inclusion has been ordered only where the disputed position does not possess true supervisory authority, i.e. the ability to effectively recommend hiring, discipline or discharge. Inclusion is not appropriate where an employee's supervisory status would cause a conflict of interest with bargaining unit employees.

The Communication Officer III's effectively recommend hiring for the Thurston County Communications Department, with the department Director following interview evaluations. The Communication Officer III schedules overtime and has final authority to approve sick leave and vacations. Employees in the disputed position also have a direct impact upon bargaining unit members by preparing evaluations used to determine promotions. Communication Officer III's regularly assume total department supervision in the absence of the Director and Assistant Director, and employees in the disputed position have made recommendations which have resulted in the modification of the department's personnel policies.

Taken together, these factors demonstrate that the Communication Officer III's have unique duties and responsibilities which distinguish them from bargaining unit employees. City of Richland, Decision 279 (PECB, 1977); aff. 279-A (PECB, 1978); aff. Benton County Superior Court (1979). Employees in the disputed position perform bargaining unit work on a fluctuating basis depending on the number of emergency calls received. The Communication Officer III's are not expected to perform dispatching duties on a regular basis, and their primary responsibility is the direction of bargaining unit employees during the work shift. The Communication Officer III's are directly responsible for dispatching operations performed by bargaining unit members, and a conflict of interest would exist if the Communication Officer III position is included in the existing bargaining unit.

FINDINGS OF FACT

1. Thurston County Communications Department is a public employer within the meaning of RCW 41.56.030(1). The department is responsible for the operation of the 911 Emergency Dispatch Center for residents of Thurston County.
2. Washington State Council of County and City Employees, AFSCME, AFL-CIO, is a bargaining representative within the meaning of RCW 41.56.030(3). At the date of hearing, the union represented a bargaining unit of all Thurston County Communications Department employees excluding the Director, Assistant Director and Communication Officer III positions.
3. Employees holding the Communication Officer III position have authority to call in additional dispatching employees, can schedule overtime and approve sick leave and vacations. The Communication Officer III's prepare semi-annual employee evaluations used to determine promotions or demotions within the department.
4. Communication Officer III's interview all candidates for employment with the department. Recommendations made as a result of the interview are submitted to the department's Director. All dispatching employees are hired based upon recommendations made by the Communication Officer III's.
5. Communication Officer III's do not participate in the formal grievance procedure, but employees holding this position can adjust adverse employee evaluations. Communication Officer III's can recommend disciplinary actions, including terminations.
6. Communication Officer III's attend monthly management meetings and make recommendations which have resulted in the modification of department personnel policies.
7. In the event that the department's Director and Assistant Director are absent, the senior Communication Officer III on duty assumes supervision of the Thurston County Communications Department. If two employees classified as Communication Officer III are assigned to the same work shift, the senior Communication Officer III directs dispatching activities and the other employee fills in where needed.
8. Communication Officer III's perform some dispatching duties depending on the number of emergency calls received and the availability of dispatching employees on the work shift; but, the Communication Officer III's are primarily responsible for supervision of dispatching activities while on shift in the emergency dispatching center.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to RCW 41.56, and no question concerning representation presently exists in the bargaining unit described in paragraph 2 above.
2. Communication Officer III is a supervisory position having distinct duties, skills and working conditions which warrant exclusion of that classification from the bargaining unit composed of the subordinate non-supervisory employees.

ORDER

The Communication Officer III position will continue to be excluded from the existing bargaining unit of employees of Thurston County Communications Department represented by the Washington State Council of County and City Employees, AFSCME, AFL-CIO.

DATED at Olympia, Washington this 31<sup>st</sup> day of December, 1980.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of: )  
AUTOMOTIVE, CLERICAL AND )  
MUNICIPAL EMPLOYEES, TEAMSTERS ) Case No. 3113-E-80-601  
LOCAL UNION NO. 882 )  
Involving certain employees of: ) ORDER OF DISMISSAL  
KING COUNTY ) Decision No. 1063-PECB

The above-named petitioner having invoked the authority of the Public Employment Relations Commission to resolve a dispute concerning the recognition of an exclusive collective bargaining representative of certain employees of the above-named employer; and the Commission having been advised or having discovered that formal proceedings and a certification of representatives are not warranted;

NOW, THEREFORE IT IS

ORDERED

That the petition filed in the above entitled matter be, and hereby is, dismissed for the reason indicated below:

- Showing of interest insufficient
- Petition withdrawn
- Voluntary recognition granted, so that no question concerning representation presently exists. (Employees involved accreted to unit certified in Case No. 2829-E-80-554).
- Lack of jurisdiction
- Other, as specified: \_\_\_\_\_

DATED at OLYMPIA, Washington this 30th day of DECEMBER 1980.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

By Marvin L. Schurke

MARVIN L. SCHURKE, Executive Director

cc: Albert G. Ross  
Jim Clark  
Don Hare