

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
CLALLAM COUNTY	)	CASE 10438-C-93-00614
	)	
For clarification of an existing	)	DECISION 4805 - PECB
bargaining unit of employees	)	
represented by:	)	
	)	
CLALLAM COUNTY DEPUTY SHERIFFS'	)	ORDER OF DISMISSAL
GUILD	)	
	)	
	)	
	)	

Clallam County filed a petition for clarification of an existing bargaining unit on April 26, 1993. The employer sought to exclude the classification of "corrections sergeant" from a bargaining unit represented by the Clallam County Deputy Sheriffs' Guild.<sup>1</sup> Asserting the "correctional sergeant" classification supervises other employees in the Deputy Sheriffs' Guild bargaining unit, the employer proposed to accrete the disputed classification to an existing bargaining unit of supervisors represented by the Sheriff's Sergeants' Guild of Clallam County.

The Commission held this case in abeyance while the Legislature considered two bills affecting eligibility of bargaining units for interest arbitration:

- \* Chapter 397, Laws of 1993, amended Chapter 41.56 RCW, effective in 1993, to extend the interest arbitration process to "correctional" employees in counties with a population greater than 70,000.

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<sup>1</sup> The bargaining unit also includes the classifications of "deputy sheriff", "correctional officer", "cook", and "records specialist".

- \* Chapter 398, Laws of 1993, amended Chapter 41.56 RCW effective July 1, 1995, to extend the interest arbitration process to "law enforcement officers" employed by counties with populations between 35,000 and 70,000.

The population of Clallam County was approximately 60,000 in 1993. Thus, its "law enforcement officers" will apparently qualify for interest arbitration effective July 1, 1995, but a marked increase in its population would be necessary for its "correctional" officers to qualify for interest arbitration.

It is well-established that supervisors are properly excluded from the bargaining units that include their subordinates. City of Richland, Decision 279-A (PECB, 1978), affirmed 29 Wn.App. 599 (Division III, 1981), review denied 96 Wn.2d 1004 (1981). The accretion proposed by the employer in this case appears to be inappropriate, however. The Commission has a long line of precedent requiring that employees who are eligible for the interest arbitration process be kept in bargaining units separate and apart from employees who do not so qualify. City of Yakima, Decision 837 (PECB, 1980); King County Fire District 39, Decision 2638 (PECB, 1987). If the classification of "correctional sergeant" were to be removed from the Deputy Sheriffs' Guild bargaining unit and accreted to the Sergeants' Guild bargaining unit at this time, it would be necessary to negate that outcome when the eligibility for interest arbitration changes under Chapter 398, Laws of 1993.

On May 11, 1994, the Commission notified the employer, the Deputy Sheriffs' Guild, and the Sergeants' Guild of these developments and requested statements of position concerning the unit structure that should be adopted in Clallam County. No responses were received.

Based upon the foregoing, it appears that this disagreement is not appropriately the subject of an order clarifying an existing

bargaining unit, WAC 391-35-090, and additional formal proceedings are not warranted;

NOW, THEREFORE, it is

ORDERED

The petition filed in the above matter is dismissed.

DATED at Olympia, Washington, this 8th day of August, 1994.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Marvin L. Schurke", is written over the printed name below.

MARVIN L. SCHURKE, Executive Director