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STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of a Petition )  
filed by )  
WASHINGTON STATE COUNCIL OF )  
COUNTY AND CITY EMPLOYEES, )  
Petitioner, )  
involving a Unit Clarification )  
for certain employees of )  
CLARK COUNTY, )  
Employer. )

CASE NO. 899-C-77-37

DECISION NO. 290-A-PECB

This case is a petition for clarification of a bargaining unit to which the employer, Clark County, agreed, and which it enforced until after a strike. The County now wants its fire inspectors removed from the unit. The fire inspectors are not uniformed personnel and do not participate in the police and firefighter pension system.

The hearing officer held that the positions were properly included in the unit and the employer appealed.

The notice of appeal is deficient in that it does not specify wherein the decision of the hearing officer was arbitrary, capricious, contrary to law or not in accordance with testimony submitted at the hearing. But we bypass this point.

Indeed, since the County concludes its brief by suggesting a Globe election, 3 NLRB 294, App. Br. pg. 10, the appellant can hardly be taken seriously. A Globe election assumes that the unit would be appropriate with or without the contested

1 group, subject to the desires of the contested group of  
2 employees. Hence, if a Globe election is appropriate, the  
3 hearing officer's decision cannot be arbitrary and capricious,  
4 contrary to law or contrary to the evidence.

5 No error is assigned to any specific finding of fact or  
6 conclusion of law. Hence, the findings, conclusions and  
7 decision are affirmed.

8 A point lurks in the record which the parties do not  
9 address specifically, but we shall notice in passing.

10 The issue of the membership of the fire inspectors in the  
11 unit was raised when the fire inspectors declined to honor a  
12 picket line posted by their bargaining representative.

13 RCW 41.56.120 provides:

14 Nothing contained in this chapter shall permit  
15 or grant any public employee the right to strike  
or refuse to perform his official duties.

16 Had the fire inspectors honored the picket line, an injunc-  
17 tion under this section would doubtless have met the situation  
18 in an hour or two.

19 The Order Clarifying Bargaining Unit should be, and it  
20 hereby is, affirmed.

21 DATED: This 9<sup>th</sup> day of December, 1977.

22 PUBLIC EMPLOYMENT RELATIONS COMMISSION

23 BY Mary Ellen Krug  
24 MARY ELLEN KRUG, Chairman

25 BY Michael H. Beck  
26 MICHAEL H. BECK, Commissioner

27 BY Paul A. Roberts  
28 PAUL A. ROBERTS, Commissioner