

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

CITY OF SNOQUALMIE

For clarification of an existing bargaining
unit represented by:

SNOQUALMIE POLICE OFFICERS'
ASSOCIATION

CASE 24585-C-12-1477

DECISION 11343 - PECB

ORDER CLARIFYING
BARGAINING UNIT

Cline and Associates, by *James Cline*, Attorney at Law, for the union.

Summit Law Group, by *Sofia Mabee*, Attorney at Law, for the employer.

On March 13, 2012, the City of Snoqualmie (employer) filed a petition to clarify a bargaining unit of employees represented by the Snoqualmie Police Officers' Association (union). The union represents a bargaining unit of employees described as follows:

All full-time and regular part-time uniformed law enforcement officers of the City of Snoqualmie, excluding officers above the rank of sergeant, confidential employees, and all other employees.

City of Snoqualmie, Decision 7938 (PECB, 2002).

The employer's petition seeks to remove two employees from the bargaining unit: the "Police Support Officer" and "Police Support Technician." The employer asserts that neither of the positions is eligible for interest arbitration and therefore cannot be included in a bargaining unit of employees that is interest arbitration eligible. *See* WAC 391-35-310. The employer asked that a pending interest arbitration, Case 24439-I-11-0585, be stayed pending the outcome of this proceeding.

On March 1, 2012, a show cause letter was issued directing the parties to explain how the employees at issue qualify as law enforcement officers under RCW 41.26.030(1). The show cause directive also asked the parties to demonstrate whether a question exists as to the continuing majority status of the union with respect to the disputed positions should it be determined that the positions at issue are not interest arbitration eligible. The letter also suspended the pending interest arbitration.

On March 9, 2012, both the union and the employer filed responses to the show cause directive. The union's response acknowledged that the two disputed positions were not interest arbitration eligible and should be removed from the existing bargaining unit. The union asked that this agency administratively split the existing bargaining unit into commissioned and non-commissioned units consistent with the process used in *King County*, Decision 6668 (PECB, 1999).

The employer's response reiterated the employer's position that the two disputed positions are not interest arbitration eligible. However, the employer questioned whether the union continued to represent a majority of the disputed positions. Therefore, the employer was unwilling to consent to the union's request to administratively create a non-commissioned bargaining unit from the disputed positions.

On March 13, 2012, the union filed a petition to represent a separate bargaining unit consisting of the two disputed positions. Case 24657-E-12-3707. Processing of that case was suspended pending the outcome of this proceeding.

On April 3, 2012, Hearing Officer Dario de la Rosa conducted a pre-hearing conference to determine if the parties could stipulate to certain matters and resolve the case without the need for a hearing. The Hearing Officer issued a "Statement of Results" detailing the stipulations made during the pre-hearing conference, and provided a ten-day period to file objections to those results. The parties did not file objections to the Statement of Results.

Based upon the stipulations of the parties, it is appropriate to clarify the bargaining unit represented by the union to remove the two disputed positions and to update the bargaining unit description.

FINDINGS OF FACT

1. The City of Snoqualmie is a public employer within the meaning of RCW 41.56.030(12).
2. The Snoqualmie Police Officers' Association is a bargaining representative within the meaning of RCW 41.56.030(2) that represents a bargaining unit of employees at the City of Snoqualmie. The bargaining unit is as follows:

All full-time law enforcement officers of the City of Snoqualmie Police Department, excluding all officers above the rank of sergeant.

3. The "Police Support Officer" and "Police Support Technician" positions are not "uniformed employees" as defined by RCW 41.56.030(13).
4. The parties waive their right to a hearing under Chapter 391-35 WAC.
5. The parties waive their right to appeal under WAC 391-35-210.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.56 RCW.
2. The "Police Support Officer" and "Police Support Technician" positions should be excluded from the bargaining unit described in Finding of Fact 2 under WAC 391-35-310, because the two positions are not uniformed employees eligible for interest arbitration.

ORDER

1. The bargaining unit represented by the Snoqualmie Police Officers' Association is clarified to exclude the positions of "Police Support Officer" and "Police Support Technician."

2. The description of the bargaining unit represented by the Snoqualmie Police Officers' Association is updated and amended to read as follows:

All full-time and regular part-time uniformed law enforcement officers of the City of Snoqualmie, excluding officers above the rank of sergeant, confidential employees, and all other employees.

3. The stays issued in Case 24439-I-11-0585 and Case 24657-E-12-3707 are lifted and the processing of those cases may resume in the normal course.

ISSUED at Olympia, Washington, this 17th day of April, 2012.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MICHAEL P. SELLARS, Executive Director



PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
PAMELA G. BRADBURN, COMMISSIONER
THOMAS W. McLANE, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 04/17/2012

The attached document identified as: DECISION 11343 - PECB has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Majeel C. Boudia
BY: /S/ MAJEL C. BOUDIA

CASE NUMBER: 24585-C-12-01477 FILED: 02/22/2012 FILED BY: EMPLOYER
DISPUTE: MISC CLARIF
BAR UNIT: LAW ENFORCE
DETAILS: -
COMMENTS:

EMPLOYER: CITY OF SNOQUALMIE
ATTN: MATT LARSON
38624 SE RIVER ST
PO BOX 987
SNOQUALMIE, WA 98065
Ph1: 425-888-1555 Ph2: 425-281-3333

REP BY: SOFIA MABEE
SUMMIT LAW GROUP
315 5TH AVE S STE 1000
SEATTLE, WA 98104
Ph1: 206-676-7112 Ph2: 206-676-7000

PARTY 2: SNOQUALMIE POLICE OFCR ASSN
ATTN: DAN MOATE
34825 SE DOUGLAS ST
SNOQUALMIE, WA 98065
Ph1: 425-888-3333

REP BY: JAMES CLINE
CLINE AND ASSOCIATES
2003 WESTERN AVE STE 550
SEATTLE, WA 98121
Ph1: 206-838-8770