

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the joint petition of:

CITY OF KENT

and

KENT POLICE OFFICER'S ASSOCIATION

For clarification of an existing bargaining unit.

CASE 24803-C-12-1505

DECISION 11374 - PECB

ORDER CLARIFYING
BARGAINING UNIT

McGavick Graves, by *Dave J. Luxenberg*, Attorney at Law, for the union.

Arthur Fitzpatrick, Assistant City Attorney, for the employer.

On May 14, 2012, the City of Kent (employer) and Kent Police Officer's Association (union) jointly filed a unit clarification petition under WAC 391-35-085 asking that the Commission amend an existing bargaining unit certification to reflect a change in job title of certain employees in the bargaining unit.

The union represents a bargaining unit of uniformed employees described as, "All full-time and regular part-time commissioned lieutenants and captains of the City of Kent Police Department, excluding confidential employees and all other employees." *City of Kent*, Decision 5489 (PECB, 1996). In November 2011, the employer reorganized its police department. As a result of this reorganization, the employees who held the rank of "captain" would be re-titled as "Assistant Chiefs" and the employees who held the rank of "lieutenant" would be re-titled as "Commanders." The results of these changes did not materially change the body of work performed by the employees.

The Commission's rules provide a process for an organization to petition for an amendment to an existing certification under WAC 391-35-085, which states:

A party may file a petition to amend an existing certification, and the executive director may amend the certification, provided that the purpose of the amendment is to reflect changed circumstances such as the name of the labor organization or the name of an employer, and the bargaining unit is not affected by the change and there is no question concerning representation.

Here, the parties' petition merely seeks to amend the existing certification to reflect the new job titles. The bargaining unit's structure has not been altered, and no question concerning representation exists. The joint request for amendment is granted.

ORDERED

1. The bargaining unit represented by the Kent Police Officer's Association is amended to read as follows:

All full-time and regular part-time commissioned Assistant Chiefs and Commanders of the City of Kent Police Department, excluding confidential employees and all other employees.

2. The amendment to the certification issued in this proceeding does not give rise to a new "certification bar" year under RCW 41.56.070 or WAC 391-25-030(2).

ISSUED at Olympia, Washington, this 16h day of May, 2012.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MICHAEL P. SELLARS, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-35-210.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PUBLIC EMPLOYMENT RELATIONS
COMMISSION

BY: /S/ ROBBIE DUFFIELD

CASE NUMBER: 24803-C-12-01505 FILED: 05/14/2012 FILED BY: JOINT
DISPUTE: MISC CLARIF
BAR UNIT: LAW ENFORCE
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