

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

SPOKANE COUNTY

For clarification of an existing bargaining
unit represented by:

WASHINGTON STATE COUNCIL OF
COUNTY AND CITY EMPLOYEES

CASE 24977-C-12-1523

DECISION 11955 - PECB

ORDER CLARIFYING
BARGAINING UNITS

James Trefry, Director of Public Safety, for the union.

Steven J. Tucker, Prosecuting Attorney, by *Steven J. Kinn*, Senior Deputy
Prosecuting Attorney, for the employer.

On July 13, 2012, Spokane County (employer) filed a unit clarification petition concerning the employees working at the employer's two correctional facilities: the Spokane County Jail (Jail) and Geiger Field (Geiger). Prior to 2008, the Jail was operated under the authority of the Sheriff's Department, and Geiger, which is a minimum security facility, was operated by the Spokane County Board of Commissioners (Board of Commissioners).

In 2008, the Sheriff assumed administrative responsibility for both the Jail and Geiger facilities. Corrections positions at both facilities used the same job descriptions and came under the jurisdiction of the Sheriff's Civil Service Commission. Yet, both facilities continued to operate independent command and administrative structures.

The employees at the two facilities are represented by the Washington State Council of County and City Employees (union) in four different bargaining units, as follows:

- Local 492 – Corrections Officers at the Jail.
- Local 492CS – Corrections Sergeants at the Jail.
- Local 1553GC – Corrections Officers at Geiger.
- Local 1553GS – Corrections Sergeants at Geiger.

The correctional officers and sergeants are uniformed employees as defined by RCW 41.56.030(13)(b) who are eligible for interest arbitration.

The union also represents two different bargaining units that include employees that provide support services for the both the Jail and Geiger. Those bargaining units are as follows:

- Local 492RF – Sheriff’s Cooks, Radio and Forensics Employees.
- Local 492SP – Sheriffs’ Civil Service Support Staff.

These bargaining units also include employees who support the Sheriffs’ Department and do not support either the Geiger or Jail facilities.

The union represents a countywide bargaining unit, Local 1553, that did not contain any positions that were included in the Sheriffs’ Department or the Geiger or Jail facilities. Local 1553 is a bargaining unit of mixed class employees from various departments within the employer’s workforce, including Office and Pre-Trial Services, Spokane County Juvenile Court Support Staff, Public Defender Support Staff, Prosecutors Support Staff, and Information Systems.

The employer and union were parties to several successive collective bargaining agreements for all of the bargaining units under these configurations.

In 2013, the Board of Commissioners, with the Sheriff’s concurrence, assumed control of the Detention Services System, including both the Jail and the Geiger facilities. The impetus for the move was to create a more unified corrections system that was unified under one command and administrative structure. As a result of this change, the operational differences that previously

existed between the Jail and Geiger ceased to exist. Any employee that came under the control of the Board of Commissioners was no longer subject to the Sheriff's Civil Service Commission.

On November 22, 2013, the parties asked this agency to clarify the existing bargaining units based upon the change in circumstances that resulted from the reorganization of the Detention Services System. The parties submitted facts demonstrating that the corrections officers and sergeants are in the same job classes and perform the same duties. The parties also submitted facts demonstrating that the recent change of circumstances has resulted in similar working conditions, such as command and administrative structure, for the correctional employees. Based upon these facts, the parties requested that the two corrections officers bargaining units be merged into Local 492 and the two corrections sergeants bargaining units be merged into Local 492CS.

The reorganization also impacted employees in Local 492RF and Local 492SP bargaining units. The employees in the Cooks job class, who are included in Local 492RF, are now part of the Detention Services System and work in both the Geiger and Jail facilities. As a result of the reorganization, the employees in the Cooks job class are no longer employees of the Sheriff's Department and are no longer subject to the Sheriff's Civil Service Commission or command structure. The parties submit that the Cooks job class should be placed in the Local 1553 Countywide Support Staff bargaining unit.

Finally, the parties seek to remove the correctional support employees from Local 492SP and place them in Local 1553. The employees at issue are in the Staff Assistant, Accounting Technician, Maintenance Worker, Detention – Trades Supervisor, Automotive Technician, Detention – Case Manager, and Technical Assistant job classes. These correctional support employees now work in the Detention Services System and are no longer subject to the Sheriff's Civil Service Commission or command structure.

DISCUSSION

The determination and modification of bargaining units and the certification of the exclusive bargaining representative of appropriate units is a function delegated to this Commission by the

Legislature. RCW 41.56.060; *Central Washington University*, Decision 10215-B (PSRA, 2010). In determining the appropriate bargaining unit, RCW 41.56.060 directs the Commission to examine the duties, skills, and working conditions of the employer; the history of collective bargaining; the extent of organization among the employees and the desires of the employees.

Included with this agency's authority to determine an appropriate bargaining unit is the power to, upon request, modify that unit through a unit clarification proceeding. *See Pierce County*, Decision 7018-A (PECB, 2001). Unit clarification cases are governed by the provisions of Chapter 391-35 WAC. The general purpose of the unit clarification process is to provide a mechanism to make changes to an existing bargaining unit based upon a change in circumstances in order to ensure the unit's continued appropriateness. *See, e.g., Toppenish School District*, Decision 1143-A (PECB, 1981) (outlining the procedures to remove supervisors from existing bargaining units). Unit clarifications alter the composition of a bargaining unit.

Because this agency has the sole authority to modify bargaining units under RCW 41.56.060, any agreement that is reached between an employer and union regarding the composition of a bargaining unit is not binding on this agency. *City of Richland*, Decision 279-A (PECB, 1978). Where, as in this case, the parties ask this agency to modify a bargaining unit consistent with their agreement, the resulting bargaining units must still be appropriate under the statute.

Application of Standards – Corrections Officers and Sergeants

The parties' stipulations demonstrate that the corrections officers and corrections sergeants at the Jail and Geiger facilities now share common duties, skills, and working conditions. The employees are in the same job classes and now work under the same supervision and command structure, and are subject to the same administrative policies.

In *King County*, Decision 11828 (PECB, 2013), *aff'd*, Decision 11828-A (PECB, 2013), an employer's information technology workforce was decentralized and spread through the employer's various departments. The information technology employees were included in the departments that the positions supported, and the employees were included in the vertical bargaining units that encompassed those departments. The employer reorganized and

consolidated the information technology workforce into a single vertical department and sought clarification to place all of the information technology employees in a single bargaining unit. The facts demonstrated that the information technology employees shared a community of interest, and the request was granted.

Here, the stipulated facts demonstrate that the employees share a community of interest. If the correctional employees were to be in separate bargaining units under the same supervisory and command structure, the employer's workforce would be unduly fragmented. Furthermore, the corrections employees at both the Geiger and Jail facilities are eligible for interest arbitration under RCW 41.56.430 through .490. This agency's unit determination precedent demonstrates a preference to minimize the number of interest arbitration eligible bargaining units where possible. *See, e.g., Snohomish County, Decision 5375 (PECB, 1995)*(declining to clarify the existence of multiple supervisory bargaining units of interest arbitration eligible employees in the same workforce). Accordingly, the stipulated facts lead to a conclusion that the corrections officer and sergeants bargaining units the Geiger and Jail facilities should be merged.

Application of Standards – Cooks and Correctional Support Employees

The parties' agreement moving the employees in the Cook job class and the correctional support employees to Local 1553 is also appropriate under the stipulated facts. These employees are part of the Detention Services System and are now under the control of the Board of Commissioners.

If these employees were to remain in their existing bargaining units, some bargaining unit employees would fall under the supervision of the Sheriff's Department while others would be supervised by the Board of Commissioners. Additionally, the employees are no longer subject to the Sheriff's Civil Service Commission. The community of interest for these employees now more closely aligns with the employees in Local 1553, which are also under the authority of the Board of Commissioners. Accordingly, the parties' request to remove the correctional support employees in the Detention Services System from their existing bargaining units and include them in Local 1553 is granted.

FINDINGS OF FACT

1. Spokane County is a public employer within the meaning of RCW 41.56.030(12).
2. The Washington State County of County and City Employees (union) is an employee organization within the meaning of RCW 41.56.030(2).
3. The employer operates two different corrections facilities, Geiger and the Jail. Prior to 2008, the Jail was operated under the authority of the Sheriff's Department, and Geiger, which is a minimum security facility, was operated by the Spokane County Board of Commissioners.
4. In 2008, the Sheriff assumed administrative responsibility for both the Jail and Geiger facilities. Corrections positions at both facilities used the same job descriptions and came under the jurisdiction of the Sheriff's Civil Service Commission. Both facilities continued to operate independent command and administrative structures.
5. The union represented the correctional officers at both Geiger and the Jail in two separate bargaining units: Local 492 – Corrections Officers at the Jail and Local 1553GC – Corrections Officers at Geiger. The corrections officers at both facilities are in the same job classes and perform the same duties.
6. The union represented the correctional sergeants at both Geiger and the Jail in two separate bargaining units: Local 492CS – Corrections Sergeants at the Jail and Local 1553GS – Corrections Sergeants at Geiger. The corrections sergeants at both facilities are in the same job classes and perform the same duties.
7. The union represents employees in the Cooks job class that work at both facilities. Those employees are included in Local 492RF.
8. The union represents the correctional support employees in the Staff Assistant, Accounting Technician, Maintenance Worker, Detention – Trades Supervisor, Automotive Technician,

Detention – Case Manager, and Technical Assistant job classes that work at both facilities. Those employees are included in Local 492SP.

9. The union represents Local 1553 which is a bargaining unit of mixed class employees from various departments within the employer's workforce, including Office and Pre-Trial Services, Spokane County Juvenile Court Support Staff, Public Defender Support Staff, Prosecutors Support Staff, and Information Systems.
10. The employees described in Findings of Fact 5, 6, 7, and 8 are part of the employer's Detention Services System.
11. In 2013, the Board of Commissioners, with the Sheriff's concurrence, assumed control of Detention Services System, including both the Jail and the Geiger facilities. As a result of this change, the operational differences that previously existed between the Jail and Geiger ceased to exist. Any employee that came under the control of the Board of Commissioners was no longer subject to the Sheriff's Civil Service Commission.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW and Chapter 319-35 WAC.
2. Based upon Findings of Fact 5, 10, and 11, the employees in the Correctional Officer job class at both the Geiger and Jail facilities share a community of interest under RCW 41.56.060.
3. Based upon Findings of Fact 6, 10, and 11, the employees in the Correctional Sergeant job class share a community of interest.
4. Based upon Findings of Fact 7, 10, and 11, the employees in the Cooks job class no longer share a community of interest with the employees in Local 492 RF and now share a community of interest with the employees in Local 1553.

5. Based upon Findings of Fact 8, 10, and 11, the correctional support employees no longer share a community of interest with the employees in Local 492SP and now share a community of interest with the employees in Local 1553.

ORDER

1. The Correctional Officers within the Detention Services System at the Geiger and Jail facilities are merged into Local 492.
2. The Correctional Sergeants within the Detention Services System at the Geiger and Jail facilities are merged into Local 492GS.
3. The employees in the Cooks job class within the Detention Services System are removed from Local 492RF and placed into Local 1553.
4. The employees in the Staff Assistant, Accounting Technician, Maintenance Worker, Detention – Trades Supervisor, Automotive Technician, Detention – Case Manager, and Technical Assistant job classes within the Detention Services System are removed from Local 492SP and placed into Local 1553.

ISSUED at Olympia, Washington, this 13th day of December, 2013.

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

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

MARILYN GLENN SAYAN, CHAIRPERSON
THOMAS W. McLANE, COMMISSIONER
MARK E. BRENNAN, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

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PUBLIC EMPLOYMENT RELATIONS COMMISSION


BY: /S/ MAJEL C. BOUDIA

CASE NUMBER: 24977-C-12-01523 FILED: 07/13/2012 FILED BY: EMPLOYER
DISPUTE: COMMUNITY INT
BAR UNIT: JAILERS
DETAILS: -
COMMENTS:

EMPLOYER: SPOKANE COUNTY
ATTN: SPOKANE CO COMMISSIONERS
W 1116 BROADWAY
SPOKANE, WA 99260
Ph1: 509-477-2265

REP BY: TIMOTHY OBRIEN
SPOKANE COUNTY
901 N MONROE CT STE 350A
SPOKANE, WA 99201-2158
Ph1: 509-477-2880

REP BY: STEVEN KINN
SPOKANE COUNTY
1115 W BROADWAY AVE 2ND FL
SPOKANE, WA 99260-0270
Ph1: 509-477-2808

PARTY 2: WSCCCE
ATTN: CHRIS DUGOVICH
PO BOX 750
EVERETT, WA 98206-0750
Ph1: 425-303-8818

REP BY: JAMES TREFRY
WSCCCE
PO BOX 750
EVERETT, WA 98206-0750
Ph1: 425-303-8818