

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

THURSTON COUNTY SHERIFF'S  
OFFICE CAPTAINS' ASSOCIATION

Involving certain employees of:

THURSTON COUNTY

CASE 128471-E-16

DECISION 12727 - PECB

ORDER OF DISMISSAL

*Debbie Brookman*, Labor Relations Negotiator, for the employer, Thurston County.

*Daryl S. Garrettson*, Attorney at Law, for the petitioner, Thurston County Sheriff's Office Captains' Association.

*Audrey B. Eide*, General Counsel, for the incumbent, Washington State Council of County and City Employees.

On October 3, 2016, the Thurston County Sheriff's Office Captains' Association (Association) filed a petition to represent the lieutenants working for Thurston County (employer) in the Thurston County Sheriff's Office Corrections Bureau. The lieutenants are currently included in a larger, non-supervisory bargaining unit represented by the Washington State Council of County and City Employees (WSCCCE). The Association seeks to sever the lieutenants from the existing bargaining unit and create a new, separate unit for those employees.<sup>1</sup>

The issue to be decided is whether it would be appropriate to sever the lieutenants from the WSCCCE's bargaining unit. The Association claims that the lieutenants are statutory supervisors who no longer share a community of interest with the bargaining unit. The Association also

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<sup>1</sup> The Association initially sought to sever the lieutenants from the WSCCCE's bargaining unit and place those employees in the Association's existing captains bargaining unit. In order to add employees to an existing bargaining unit under WAC 391-25-440, the employees must be previously unrepresented. Additionally, because the number of lieutenants (seven) is greater than the number of employees in the Association's existing unit (four), the lieutenants could not be added to the captains unit without raising a question concerning representation with regard to the existing unit. *See, e.g., Pierce County, Decision 10992 (PECB, 2011)*. The Association was allowed to amend its petition to ask for a stand-alone bargaining unit.

claims that the WSCCCE has inadequately represented the lieutenants. The employer supports the Association's petition for severance on the grounds that the lieutenants are statutory supervisors.

The WSCCCE opposes the Association's petition. The WSCCCE argues that the lieutenants should remain in the existing bargaining unit because they are not statutory supervisors and they continue to share a community of interest with the bargaining unit. The WSCCCE also denies that the lieutenants have been inadequately represented. Because the parties disagreed about the appropriateness of the Association's petition, Hearing Officer Dario de la Rosa conducted a hearing on January 11 and 12, 2017, and the parties filed post-hearing briefs to complete the record.

Severing the lieutenants from the WSCCCE's non-supervisory bargaining unit is not appropriate because they do not meet the statutory definition of supervisor and continue to share a community of interest with the bargaining unit. Additionally, the Association did not establish that the WSCCCE has inadequately represented the lieutenants. The Association's petition is dismissed.

### BACKGROUND

The employer operates and maintains the Thurston County Corrections Facility (facility) in Tumwater, Washington. The facility began operations in August 2015 and houses pretrial and convicted individuals. There are 395 beds in the main jail and another 96 beds in the Correctional Options Annex. The head of the Corrections Bureau is Chief Deputy of Corrections Todd Thoma. Thoma reports to Thurston County Sheriff John Snaza. The Corrections Bureau is divided into two main branches: Support Services and Operations. Each branch is overseen by a captain, and both captains report directly to the chief.

#### *Support Services*

The Support Services branch supports the functions of the jail. Captain Jim Downing oversees the branch and manages two of its operational areas: Programs and Inmate Services.

Lieutenant Shawn Ball oversees Programs. His responsibilities include supervising the transport, medical, and correctional options programs. The transport and medical programs are each staffed by two deputies, and the Correctional Options Program is staffed by two sergeants and 10 deputies. The Correctional Options Program provides alternatives to secure confinement, such as electronic home monitoring, work release, day reporting, day jail, and community betterment programs. Ball is also the accreditation manager for policy and facility projects. This role entails integrating jail standards established by the Washington Association of Sheriffs and Police Chiefs into the employer's jail policies, and the lieutenant drafts standards and presents them up the chain of command for approval.

Lieutenant Deborah Thompson oversees Inmate Services, which includes classification, the inmate grievance process, the inmate disciplinary process, and overcrowding management. One sergeant and two deputies report to her. Thurston County has a sales tax that provides funding for mental health and chemical dependency treatment, supportive services, and court programs. Thompson is also designated as the treatment sales tax coordinator. Thompson authorizes certain spending and monitors that spending against the approved budget. She designs, implements, and supervises programs funded by the sales tax, and she purchases items that support the programs, such as videos, books, or instruction aids. The lieutenant also serves as the Prison Rape Elimination Act (PREA) coordinator, which involves ensuring compliance with the PREA and conducting investigations. Sergeants also conduct some PREA investigations. Thompson plays an active role in investigating in-custody deaths.

### *Operations*

The Operations branch is responsible for the operation of the secure jail. Captain George Eaton oversees the branch. The jail is operated by four "teams" that provide 24-7 coverage of the jail. Two teams staff the night shifts and two teams staff the day shifts. Each team is led by a lieutenant who oversees two sergeants and approximately 15 deputies. Lieutenant Claude Belcher leads Red Team, Lieutenant Kellie Guenzel leads Blue Team, Lieutenant Valerie Peters leads Green Team, and Lieutenant Andre Muldrew leads Gold Team.

The Operations captain also manages the court operations, which involves custody and transportation of inmates having business in court. Court operations are overseen by Administrative Lieutenant Stephanie Klein. The administrative lieutenant oversees one sergeant, 10 deputies, and 14 corrections technicians. All of the lieutenants in the Corrections Bureau rotate through the administrative lieutenant position for one- to two-year assignments.

### *Supervisory Functions*

The described role of the lieutenants is to manage and oversee the facility. The lieutenants have some responsibility for the routine assignment, coordination, and supervision of work to address the daily needs of the jail. The lieutenants also have responsibility to coordinate and monitor the activities of specialty units. For example, the administrative lieutenant determines whether a deputy is needed to cover a courtroom.

The lieutenants sit on hiring panels with the captains and the chief. The lieutenants ask the candidates questions and give input to the chief. The chief makes the final hiring decision. Sergeants do not currently sit on hiring panels. The panel process was characterized as a consensus process where everyone's input is weighed equally.

Employees in the Corrections Bureau receive pay increases for taking special duty assignments. Employees must interview for such assignments. A captain chairs the interview panel which also includes lieutenants and sergeants. The panel reaches a consensus regarding its choice and makes a recommendation to the chief.

The lieutenants may impose discipline up to a written reprimand. The sergeants may impose discipline up to a documented oral warning. However, the chief encourages lieutenants and sergeants considering the imposition of discipline to first seek advice from captains. Both lieutenants and sergeants can recommend the termination of probationary employees.

If an issue arises that might warrant discipline beyond a written reprimand, the lieutenants present the facts to a captain, who decides whether there should be an internal investigation. Lieutenants

may share their opinions on how incidents should be investigated, and the captains often agree with the lieutenants' opinions. A sanction beyond a written reprimand is preceded by an internal investigation. Sergeants from the Sheriff's Office typically conduct internal investigations, but the lieutenants and sergeants in the Corrections Bureau can also be called upon to do so. Conduct that could be addressed with a lesser sanction may be preceded by an administrative review.

The lieutenants and sergeants both complete performance evaluations of individuals directly reporting to them. The lieutenants and sergeants have authority to approve or disapprove leave requests for their direct reports. The administrative lieutenant also coordinates the annual shift and vacation bidding processes which are governed by the collective bargaining agreement.

Lieutenants and sergeants have authority to approve, disapprove, and assign overtime. The administrative lieutenant reviews the schedules for the operations teams, the medical unit, and the court; assesses where coverage is needed; and fills gaps in coverage with floating positions. If necessary, the administrative lieutenant may provide voluntary overtime opportunities among the teams. Lieutenants find coverage for employees who are out sick.

The lieutenants are not officially involved in grievance processing. Step 1 grievances go directly to the chief.

### *Minimum Staffing*

The Corrections Bureau established a minimum staffing level to safely operate the facility. Minimum staffing requires coverage in the residential areas and maximum security unit of the jail, the Correctional Options Annex, and, as needed, in the booking area, the court, and the transport and medical programs.

The bureau has had a long-standing desire to have the minimum staffing level satisfied solely by deputies and sergeants. However, due to vacancies and absences and in order to avoid overtime for deputies and sergeants, lieutenants have regularly provided coverage to satisfy the minimum staffing level since the facility began operations in 2015.

When lieutenants are utilized to satisfy the minimum staffing level, they may fill in for and perform the duties of sergeants or deputies in the court holding area, the medical unit, the booking area, and the transfer area. Lieutenants do not generally work in a “direct supervision” role within the residential units.

### *The Bargaining Unit*

This agency certified the WSCCCE as the exclusive bargaining representative of the non-supervisory bargaining unit in 1994. *Thurston County*, Decision 4848 (PECB, 1994). When Thoma started at the Sheriff’s Office in 1990, there were lieutenants, sergeants, corporals, and deputies in the unit. Subsequently, the titles of the positions changed. The lieutenants became captains and the sergeants became lieutenants. The corporal position was abolished and the sergeants assumed the “lead deputy” role previously held by the corporals. The WSCCCE’s bargaining unit currently comprises the deputies, sergeants, lieutenants, and corrections technicians. Seven of the 113 current bargaining unit members are lieutenants.

Some lieutenants expressed dissatisfaction with the WSCCCE, stating that they did not believe their issues were adequately addressed in the most recent contract negotiations. Prior to these negotiations, the WSCCCE asked the lieutenants to provide input on issues for the upcoming negotiations. The lieutenants did not provide input, so the WSCCCE repeated the request. Again, no input was provided. In the most recent collective bargaining agreement, the lieutenants received a larger wage increase than the other members of the bargaining unit.

## ANALYSIS

### Applicable Legal Standards

The determination of appropriate bargaining units is a function delegated to this agency by the Legislature. RCW 41.56.060; *Central Washington University*, Decision 10215-B (PSRA, 2010). The goal in making unit determinations is to group together employees who have sufficient similarities (community of interest) to indicate that they will be able to bargain effectively with their employer. *Quincy School District*, Decision 3962-A (PECB, 1993).

RCW 41.56.060(1) provides that this agency, in examining whether there is a community of interest, shall consider “the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees.” While each factor is considered in each case, no one factor dominates the others. *See King County*, Decision 5910-A (PECB, 1997). This agency’s role is to determine whether there is a community of interest, not the *best* community of interest. Consequently, the fact that other groupings of employees may also be appropriate, or even more appropriate, does not render the proposed configuration inappropriate. *State – Secretary of State*, Decision 12442 (PSRA, 2015), *citing Snohomish County*, Decision 12071 (PECB, 2014), and *City of Winslow*, Decision 3520-A (PECB, 1990).

#### *Severance*

A petition to sever employees from an existing bargaining unit seeks to disrupt the status quo of the existing bargaining unit. As a result, the petitioner must overcome the stability and maturity of relationships usually present in established bargaining units that lead to sound labor relations. To do so, the petitioner must establish either that (1) the petitioned-for employees no longer share a community of interest with the existing bargaining unit or (2) the incumbent bargaining representative has inadequately represented the petitioned-for employees. *State – Social and Health Services*, Decision 12542-B (PSRA, 2016).

The petitioner must show that a change in the community of interest has occurred to make the existing bargaining unit inappropriate. This is usually demonstrated by substantial changes to the job duties or working conditions of the petitioned-for employees or substantial changes in the employer’s operations. *Id.*; *King County*, Decision 11441-A (PECB, 2013).

To show inadequate representation, the petitioner must demonstrate more than a short-term inability of the incumbent union to achieve the bargaining goals of the petitioned-for employees or the employees’ dissatisfaction with their bargaining representative’s accomplishments. Inadequate representation may be shown by factors such as lack of opportunities to participate in

union affairs, lack of collective bargaining agreement provisions addressing specific concerns of the employees at issue, lack of involvement by the petitioned-for employees in negotiation processes, and lack of any formal or informal efforts by the incumbent union to resolve issues of concern to the employees at issue. *State – Social and Health Services*, Decision 12542-B. Where a bargaining relationship has been in existence, the “history of bargaining” weighs against its disruption by severing the unit into two or more components. *Cowlitz County*, Decision 4960 (PECB, 1995). These considerations should not be read as a mechanical test, as each case is fact dependent and may present different variables worthy of consideration.

If the petitioner meets its burden of proof and at least one of the conditions for severance are met, the Commission will evaluate the appropriateness of the petitioned-for bargaining unit and whether the residual unit would maintain its appropriateness. If either of the resulting bargaining units would be inappropriate under the statute, then severance shall not be granted and the original unit shall be maintained. If severance is appropriate and the petitioned-for bargaining unit is an appropriate unit, an election—which includes the incumbent union on the ballot—must be conducted among the petitioned-for employees. *State – Social and Health Services*, Decision 12542-B.

### *Supervisors*

The Association argues severance is necessary because the petitioned-for employees are supervisors. Generally, supervisors are not included in the same bargaining units as the employees they supervise. WAC 391-35-340. The exclusion of supervisors from the bargaining units of their rank-and-file subordinates is presumed appropriate when they exercise authority on behalf of the employer over subordinate employees, and any such exclusion avoids a potential for conflicts of interest. *Id.* The Commission places emphasis on whether a disputed position has independent authority to act in the interest of the employer and make meaningful changes in the employment relationship. *State – Office of Administrative Hearings*, Decision 11503 (PSRA, 2012), citing *State – Corrections*, Decision 9024-A (PSRA, 2006). If an employee merely executes the instructions of a higher ranking employee when making meaningful changes to the workplace, that employee has not exercised independent judgment. *State – Office of*



*Administrative Hearings*, Decision 11503, citing *City of Lynnwood*, Decision 8080-A (PECB, 2005), *aff'd*, Decision 8080-B (PECB, 2006).

A determination under the Commission's definition of supervisor does not negate or strip away any titular or other supervisory authority of the affected employee. Indeed, an employee may possess a lower level of supervisory authority than the statutory definition contemplates and still be deemed a "supervisor" by subordinates. The distinguishing characteristic is that the authority does not rise to the level of conflict expressed in the statute which would require separating the employee out of the bargaining unit. *Rosalia School District*, Decision 11523 (PECB, 2012).

The Commission distinguishes supervisors from employees who are "lead workers." Lead workers are not excluded from a subordinate bargaining unit. *City of Lynnwood*, Decision 8080-A. The lead worker may have limited discretionary authority in administrative matters or to direct subordinates in daily job assignments. However, the lead worker does not have independent authority to make meaningful changes in the employment relationship which is the hallmark of supervisory status. *Id.*; *Grant County*, Decision 4501 (PECB, 1993).

A supervisory employee is any employee whose *preponderance* of actual duties includes the independent authority "to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action." RCW 41.59.020(4)(d); *see also Granite Falls School District*, Decision 7719-A (PECB, 2003).

"Preponderance" can be met in two different ways. An employee may be a supervisor if he or she spends a preponderance of his or her time performing one or more of the statutory supervisory activities. *City of East Wenatchee*, Decision 11371 (PECB, 2012); *Inchelium School District*, Decision 11178 (PECB, 2011). An employee may also be a supervisor if he or she spends less than a preponderance of his or her time performing supervisory activities but performs a preponderance of the types of supervisory activities enumerated in RCW 41.59.020(4)(d). *City of East Wenatchee*, Decision 11371; *King County*, Decision 10075 (PECB, 2008). The determination of whether an employee possesses sufficient authority to be excluded from a

rank-and-file bargaining unit as a supervisor is made by examining the actual duties and authority exercised by that individual, not on the basis of the employee's title or job description. *Rosalia School District*, Decision 11523; *Morton General Hospital*, Decision 3521-B (PECB, 1991).

### Application of Standards

#### *Community of Interest/Supervisory Status*

One of the two conditions that could warrant severance is if the petitioned-for employees no longer share a community of interest with the existing bargaining unit. The Association argues that the petitioned-for employees no longer share a community of interest with the WSCCCE's bargaining unit because they are supervisors. The lieutenants are not supervisory employees under this agency's standards because they do not perform a preponderance of supervisory duties. While the lieutenants participate in some supervisory functions, such as assigning work, sitting on hiring panels, and imposing low-level discipline, they do not have the independent authority to act in the interests of the employer and make meaningful changes in the employment relationship for the non-supervisory employees. The lieutenants' level of authority is similar to that of the sergeants, and no party asserts the sergeants are supervisors.

The lieutenants do not have independent authority to make hiring decisions. The lieutenants sit on hiring panels with the captains and the chief. In that role, the lieutenants ask questions, discuss observations, and give input and opinions to the chief, who makes the final hiring decision. Sergeants do not currently sit on hiring panels. The panel process was characterized as a consensus process where everyone's input is weighed equally. The role of the lieutenants in that process does not equate to an effective recommendation.

The lieutenants and the sergeants have limited disciplinary authority. The lieutenants may only impose discipline up to a written reprimand, while the sergeants may only impose discipline up to a documented oral warning. If the conduct requiring discipline potentially merits a harsher sanction, the lieutenant must present the issue to the appropriate captain, who will decide the investigatory course of action and the accompanying potential realm of sanctions. Both the lieutenants and the sergeants may perform investigations into the conduct of bargaining unit

members. Both the lieutenants and sergeants may also recommend the termination of probationary employees.

The lieutenants complete performance evaluations, and the Association argues that the content of those evaluations *may* impact special assignments which could carry additional or special pay. However, the sergeants also complete performance evaluations, and the import and content of those evaluations are the same. The lieutenants also approve leave and overtime and assign work.

While the activities performed by the lieutenants can be indicia of a supervisor, they are insufficient to compel a conclusion that the positions are supervisory. *See, e.g., Okanogan County*, Decision 6142-A (PECB, 1998). In *Okanogan County*, the Commission stated that the exercise of authority to assign and direct work, grant time off, authorize overtime, issue oral or written reprimands, conduct performance evaluations, and train employees may be insufficient when the individual performing these duties does not have the authority to hire, terminate, suspend without pay, or effectively recommend such actions. *Id.* The lieutenants in this case perform similar duties, but they do not perform those higher level functions described in *Okanogan County*. Furthermore, the sergeants engage in the same activities as the lieutenants.

The Association compares the lieutenants to three positions deemed supervisory in *City of Lakewood*, Decision 12453 (PECB, 2015). Like the lieutenants, the positions at issue in that case assigned work, approved leave and overtime, and issued oral and written reprimands.<sup>2</sup> However, the critical supervisory role in *City of Lakewood* was the ability of the at-issue positions to accelerate or withhold step pay increases in conjunction with performance evaluations. That role truly impacted the terms and conditions of their subordinates' employment. *Id.* The lieutenants do not have the same level of authority as the positions in *City of Lakewood*.

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<sup>2</sup> Those positions had a greater role in the hiring process. While those positions did not make final hiring decisions, they made recommendations to the hiring authority.

The types of supervisory duties relied upon by the Association to support its argument that the lieutenants are supervisors are very similar to the duties performed by the sergeants. Again, no party argues that the sergeants are supervisors. At best, the lieutenants' level of authority with respect to the supervisory indicia is marginally higher than that of the sergeants. The record does not show that the lieutenants in the Corrections Bureau perform a preponderance of the statutory supervisory duties, nor does it clearly establish that they have independent authority or make the "effective recommendations" to make *meaningful changes in the employment relationship*.<sup>3</sup>

Given the similarities between the lieutenants and sergeants with respect to the level and types of supervisory duties, the lieutenants continue to share a community of interest with the bargaining unit. The lieutenants also regularly and consistently perform other bargaining unit work as a result of frequently being utilized to meet the minimum staffing level.

#### *Adequacy of Representation*

The second of the two conditions that could warrant severance is if the incumbent bargaining representative has inadequately represented the petitioned-for employees. Some lieutenants expressed dissatisfaction with the WSCCCE. This dissatisfaction stemmed from their perceptions that the lieutenants' issues were not adequately addressed in the most recent contract negotiations. The fact that some members of a bargaining unit may have unique issues not shared by others is not a basis for severance. RCW 41.56.060 does not require that all employees in a bargaining unit be identically situated but only that they share a "common essence." *Pierce County*, Decision 8892 (PECB, 2005), *aff'd*, Decision 8892-A (PECB, 2006); *see also South Central School District*, Decision 5670-A (PECB, 1997).

Furthermore, there is no evidence that the WSCCCE has not adequately represented the lieutenants. The WSCCCE made repeated attempts to gather input from the lieutenants on issues

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<sup>3</sup> Neither the petitioner nor the employer argued that the lieutenants spend a preponderance of their time engaging in statutory supervisory duties, and the record does not support such a finding. The record shows that the lieutenants spend a preponderance of their time on a variety of non-supervisory tasks, such as communicating with inmates, operating the facility, procuring supplies, and managing contracts, budgets, training, accreditation, and PREA compliance.

for the upcoming negotiations. The lieutenants did not provide any input. Nonetheless, the lieutenants received a larger wage increase than the other members of the bargaining unit in the most recent collective bargaining agreement. The Association failed to prove that the WSCCCE has inadequately represented the lieutenants in the bargaining unit.

### CONCLUSION

The Corrections Lieutenants in the Thurston County Sheriff's Office Corrections Bureau are not supervisors and continue to share a community of interest with the existing bargaining unit represented by the WSCCCE. Additionally, the Association has not demonstrated that the lieutenants have been inadequately represented by the WSCCCE. The Association's petition to sever the lieutenants from the existing bargaining unit is denied.

### FINDINGS OF FACT

1. Thurston County is a public employer within the meaning of RCW 41.56.030(12).
2. The Thurston County Sheriff's Office Captains' Association is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The Washington State Council of County and City Employees (WSCCCE) is a bargaining representative within the meaning of RCW 41.56.030(2).
4. The employer operates and maintains the Thurston County Corrections Facility (facility) in Tumwater, Washington. The facility began operations in August 2015 and houses pretrial and convicted individuals.
5. The WSCCCE represents a bargaining unit that currently comprises deputies, sergeants, lieutenants, and corrections technicians.

6. Seven of the 113 current bargaining unit members are lieutenants.
7. The described role of the lieutenants is to manage and oversee the facility. The lieutenants have some responsibility for the routine assignment, coordination, and supervision of work to address the daily needs of the jail. The lieutenants also have responsibility to coordinate and monitor the activities of specialty units.
8. The lieutenants sit on hiring panels with the captains and the chief. The lieutenants ask the candidates questions and give input to the chief. The chief makes the final hiring decision. Sergeants do not currently sit on hiring panels.
9. The lieutenants may impose discipline up to a written reprimand. The sergeants may impose discipline up to a documented oral warning. However, the chief encourages lieutenants and sergeants considering the imposition of discipline to first seek advice from captains. Both lieutenants and sergeants can recommend the termination of probationary employees.
10. The lieutenants and sergeants both complete performance evaluations of individuals directly reporting to them.
11. The lieutenants and sergeants have authority to approve or disapprove leave requests for their direct reports. The administrative lieutenant also coordinates the annual shift and vacation bidding processes which are governed by the collective bargaining agreement.
12. Lieutenants and sergeants have authority to approve, disapprove, and assign overtime. The administrative lieutenant reviews the schedules for the operations teams, the medical unit, and the court; assesses where coverage is needed; and fills gaps in coverage with floating positions. If necessary, the administrative lieutenant may provide voluntary overtime opportunities among the teams. Lieutenants find coverage for employees who are out sick.

13. The lieutenants are not officially involved in grievance processing. Step 1 grievances go directly to the chief.
14. The Corrections Bureau established a minimum staffing level to safely operate the facility. Minimum staffing requires coverage in the residential areas and maximum security unit of the jail, the Correctional Options Annex, and, as needed, in the booking area, the court, and the transport and medical programs.
15. The bureau has had a long-standing desire to have the minimum staffing level satisfied solely by deputies and sergeants. However, due to vacancies and absences and in order to avoid overtime for deputies and sergeants, lieutenants have regularly provided coverage to satisfy the minimum staffing level since the facility began operations in 2015.
16. When lieutenants are utilized to satisfy the minimum staffing level, they may fill in for and perform the duties of sergeants or deputies in the court holding area, the medical unit, the booking area, and the transfer area. Lieutenants do not generally work in a "direct supervision" role within the residential units.
17. Some lieutenants expressed dissatisfaction with the WSCCCE, stating that they did not believe their issues were adequately addressed in the most recent contract negotiations. Prior to these negotiations, the WSCCCE asked the lieutenants to provide input on issues for the upcoming negotiations. The lieutenants did not provide input, so the WSCCCE repeated the request. Again, no input was provided. In the most recent collective bargaining agreement, the lieutenants received a larger wage increase than the other members of the bargaining unit.

#### CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW, Chapter 391-25 WAC, and Chapter 391-35 WAC.

2. Based upon Findings of Fact 7 through 14, the lieutenants included in the bargaining unit described in Finding of Fact 5 are not supervisors within the meaning of WAC 391-35-340.
3. Based upon Finding of Fact 17, the WSCCCE has not inadequately represented the lieutenants described in Finding of Fact 6.
4. Based upon Findings of Fact 7 through 17, the lieutenants described in Finding of Fact 6 continue to share a community of interest with the bargaining unit described in Finding of Fact 5.

ORDER

The petition filed by the Thurston County Sheriff's Office Captains' Association in the above-captioned matter is hereby DISMISSED.

ISSUED at Olympia, Washington, this 14th day of June, 2017.

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 391-25-660.





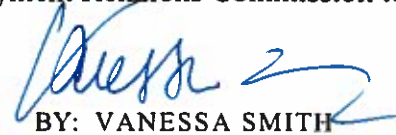
## PUBLIC EMPLOYMENT RELATIONS COMMISSION

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### RECORD OF SERVICE - ISSUED 06/14/2017

DECISION 12727 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:



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