

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

ISLAND COUNTY DEPUTY
SHERIFF'S GUILD

For clarification of an existing bargaining
unit of employees of:

ISLAND COUNTY

CASE 128938-C-17

DECISION 12770 - PECB

ORDER CLARIFYING
BARGAINING UNIT

Erica Shelley Nelson, Attorney at Law, Cline and Casillas, for the Island County Deputy Sheriff's Guild.

Robert R. Braun Jr., Attorney at Law, Braun Consulting Group, for Island County.

On April 27, 2017, the Island County Deputy Sheriff's Guild (union) filed a petition seeking to clarify the bargaining unit status of the Animal Control Officers working at the Island County Sheriff's Department (employer). The union represents a bargaining unit that consists of the non-supervisory, non-uniformed employees working in the Sheriff's department.

The union asserts that prior to October 1, 2015, the employer contracted out its animal control work. The union claims that the employer then hired one full-time and one regular part-time Animal Control Officers and placed those employees in the Sheriff's department. The union argues that those positions logically belong in its bargaining unit.

Hearing Officer Sean Leonard conducted a pre-hearing investigation with the parties. During that investigation, the employer agreed that the Animal Control Officers appropriately belong in the union's bargaining unit because the union's bargaining unit encompasses all of the non-uniformed employees in the Sheriff's department.

The issue to be decided is whether the union's bargaining unit should be clarified to include the Animal Control Officer positions. The parties' stipulations are accepted. The union's non-supervisory, non-uniformed bargaining unit shall be clarified to add the Animal Control Officer

positions because those positions share a community of interest with the union's bargaining unit and that bargaining unit is the only appropriate bargaining unit for the positions.

ANALYSIS

Applicable Legal Standard

The intent and purpose of Chapter 41.56 RCW is to implement the right of employees to join and be represented by labor organizations. 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 bargaining 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. *Central Washington University*, Decision 9963-B (PSRA, 2010), citing *Quincy School District*, Decision 3962-A (PECB, 1993).

In making bargaining unit determinations, RCW 41.56.060 directs this agency to consider the duties, skills, and working conditions of the employees; the history of collective bargaining; the extent of organization among the employees; and the desires of the employees. The criteria are not applied on a strictly mathematical basis. *Central Washington University*, Decision 9963-B. Not all of the factors exist in every case, and where they do exist, any one factor could be more important than another, depending on the facts. *Id.* The criteria are applied collectively to discern the existence of a community of interest among the employees of a particular employer, and not one criteria is of greater import than the others. When making bargaining unit determinations, the Commission seeks to avoid fragmentation and potential work jurisdiction disputes. *University of Washington*, Decision 8315 (PECB, 2003). Bargaining unit determinations are made on a case-by-case basis. *Washington State University*, Decision 9613-A (PSRA, 2007).

Ordinarily, employees are permitted a voice in the selection of an exclusive bargaining representative. RCW 41.56.070. Accretions are the exception to the statutory rule of employee free choice. An accretion may be ordered when unrepresented employees logically belong in only one existing bargaining unit and the positions can neither stand on their own as a separate unit or be logically accreted to any other existing bargaining unit. *Pierce County*, Decision 6051-A

(PECB, 1998), *citing City of Auburn*, Decision 4880-A (PECB, 1995). The employees will be placed in the existing bargaining unit without the benefit of being able to vote on representation. In order for an accretion to be directed, the resulting bargaining unit must be an appropriate unit.

Application of Standard

The Animal Control Officer positions share a community of interest with the union's non-supervisory Sheriff's department bargaining unit and those positions appropriately belong in that unit. The union's bargaining unit encompasses all of the non-supervisory, non-uniformed employees in the Sheriff's department. All of the employees share common supervision and organizational structure. Furthermore, excluding the Animal Control Officers from the existing bargaining unit would unnecessarily fragment the employer's workforce. Because the Animal Control Officers appropriately belong in the union's bargaining unit, the Animal Control Officers are added to that bargaining unit without the need of an election.

FINDINGS OF FACT

1. Island County (employer) is an employer within the meaning of RCW 41.56.030(12).
2. The Island County Deputy Sheriff's Guild (union) is an employee organization within the meaning of RCW 41.56.030(2).
3. The union represents a bargaining unit that consists of the non-supervisory, non-uniformed employees working in the Sheriff's department.
4. Prior to October 1, 2015, the employer contracted out its animal control work.
5. Recently, the employer then hired one full-time and one regular part-time Animal Control Officers and placed those employees in the Sheriff's department.
6. The Animal Control Officer positions share a community of interest with the union's non-supervisory Sheriff's department bargaining unit and those positions appropriately belong in that unit. The union's bargaining unit encompasses all of the non-supervisory, non-uniformed employees in the Sheriff's department. All of the employees share common

supervision and organizational structure. Furthermore, excluding the Animal Control Officers from the existing bargaining unit would unnecessarily fragment the employer's workforce.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW and Chapter 391-35 WAC.
2. Based upon Finding of Fact 6, the employee described in Finding of Fact 5 shares a community of interest with the bargaining unit described in Finding of Fact 3.

ORDER

1. The Animal Control Officers are added to the union's non-supervisory, non-uniformed Sheriff's department bargaining unit without the need of an election.
2. The bargaining unit described in Finding of Fact 3 shall be redefined as follows:

All regular full-time and regular part-time non-uniformed civil service employees of the Island County Sheriff's Department. Excluding supervisors, confidential employees, uniformed employees, employees assigned to the Sheriff's exempt Administrative Staff, and provisional appointments; reserve employees or officers and volunteer employees.

ISSUED at Olympia, Washington, this 30th day of August, 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 391-35-210.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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RECORD OF SERVICE - ISSUED 08/30/2017

DECISION 12770 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:



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CASE NUMBER: 128938-C-17

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