

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WALLA WALLA COUNTY

For clarification of an existing bargaining
unit represented by:

WALLA WALLA COUNTY
CORRECTIONS & PROFESSIONALS
ASSOCIATION

CASE 127859-C-16

DECISION 12801 - PECB

ORDER CLARIFYING BARGAINING
UNIT AND CERTIFICATION

Bruce L. Schroeder, Attorney at Law, Summit Law Group PLLC, for Walla Walla County.

Chris Scarr, President, for the Walla Walla County Corrections & Professionals Association.

Jesus Alvarez, Business Agent, for Teamsters Local 839.

On January 26, 2016, Walla Walla County (employer) filed a petition to clarify a bargaining unit of corrections officers and administrative employees represented by the Walla Walla County Corrections & Professionals Association (Association). When this agency certified the bargaining unit in *Walla Walla County*, Decision 11705 (PECB, 2013), all of the bargaining unit employees worked in the Walla Walla County Sheriff's Office. On June 1, 2015, the employer transferred responsibility for the Walla Walla County jail from the sheriff's office to the Board of County Commissioners. As a result, the corrections officers came under the authority and supervision of the Board of County Commissioners while the administrative employees remained under the authority and supervision of the sheriff's office. The employer's petition requests that the administrative employees be removed from the bargaining unit and that the bargaining unit description be amended to reflect the recent change in circumstances.

The employer and the Association engaged in settlement discussions regarding the administrative employees. The Association agreed that the administrative employees in the Office Assistant I, II, and III job classes and the Civil Process Officer job class should be severed from the Association's bargaining unit based upon the recent change in circumstances. The Association and Teamsters Local 839 (Teamsters) also agreed that Teamsters would represent the administrative employees. Teamsters submitted a showing of interest demonstrating the support of a majority of the administrative employees.

Because the collective bargaining agreement between the Association and employer had already expired, Representation Case Administrator Dario de la Rosa, with the consent of the parties, elected to handle the unit clarification and representation proceeding as a single case. On October 26, 2017, the Representation Case Administrator issued an investigation statement establishing the agreed-upon process. None of the parties objected to the investigation statement. On November 9, 2017, the Representation Case Administrator conducted a cross-check consistent with the provisions of Chapter 391-25 WAC. The results of the cross-check confirmed that a majority of the administrative employees desired to be represented by Teamsters.

ANALYSIS

Applicable Legal Standards

The determination of appropriate bargaining units is a function delegated to this agency by the Legislature. *City of Richland*, Decision 279-A (PECB, 1978), *aff'd*, *International Association of Fire Fighters, Local 1052 v. Public Employment Relations Commission*, 29 Wn. App. 599 (1981), *review denied*, 96 Wn.2d 1004 (1981). 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).

Included in this agency's authority to determine an appropriate bargaining unit is the power to modify that unit, upon request, through a unit clarification proceeding. *University of Washington*, Decision 11590 (PSRA, 2012), *aff'd*, Decision 11590-A (PSRA, 2013); *see also 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 this agency as well as the parties to a collective bargaining relationship a mechanism to make changes to an existing bargaining unit based upon a change of circumstances to ensure its continued appropriateness. *See, e.g., Toppenish School District*, Decision 1143-A (PECB, 1981) (outlining the procedures to remove supervisors from existing bargaining units).

Because unit clarifications alter the composition of bargaining units and in order to maintain stability in the bargaining units, the Commission adopted WAC 391-35-020 to govern the time frames in which unit clarification petitions may be filed. For example, a petition to amend a bargaining unit certification to reflect a change that does not alter the composition of the bargaining unit, such as the name of a department or job title, may be filed at any time. WAC 391-35-085. Petitions to add or remove employees from an existing bargaining unit may only be made after a recent change in circumstances, such as a reorganization. *University of Washington*, Decision 11590.

Application of Standards

The June 1, 2015, reorganization is a change in circumstances that warrants review of the existing bargaining unit configuration. Because the corrections officers and administrative employees now work in different departments and have different lines of supervision, the existing community of interest has been disrupted. Accordingly, the employer and Association's agreement to sever the administrative employees from the Association's bargaining unit and to divide the bargaining unit into two separate units is accepted.

The administrative employees expressed a desire to be represented by Teamsters through a confidential cross-check conducted by agency staff under the provisions of Chapter 391-25

WAC. Accordingly, Teamsters shall be certified as the exclusive bargaining representative of the administrative employees bargaining unit.

FINDINGS OF FACT

1. Walla Walla County is a public employer within the meaning of RCW 41.56.030(12).
2. The Walla Walla County Corrections & Professionals Association (Association) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. Teamsters Local 839 (Teamsters) is a bargaining representative within the meaning of RCW 41.56.030(2).
4. In 2013, this agency certified the Association as the exclusive bargaining representative of a bargaining unit of corrections officers and administrative employees in the Walla Walla County Sheriff's Office.
5. The employer and the Association were parties to a collective bargaining agreement that expired on December 31, 2015.
6. On June 1, 2015, the employer transferred responsibility for the Walla Walla County jail from the sheriff's office to the Board of County Commissioners. As a result, the corrections officers came under the authority and supervision of the Board of County Commissioners while the administrative employees remained under the authority and supervision of the sheriff's office.
7. The Association and Teamsters agreed that Teamsters would represent the administrative employees. Teamsters submitted a showing of interest demonstrating the support of a majority of the administrative employees.

8. Because the collective bargaining agreement between the Association and employer had already expired, Representation Case Administrator Dario de la Rosa, with the consent of the parties, elected to handle the unit clarification and representation proceeding as a single case. On October 26, 2017, the Representation Case Administrator issued an investigation statement establishing the agreed-upon process. None of the parties objected to the investigation statement.
9. On November 9, 2017, the Representation Case Administrator conducted a cross-check consistent with the provisions of Chapter 391-25 WAC. The results of the cross-check confirmed that a majority of the administrative employees desired to be represented by Teamsters.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.56 RCW, Chapter 391-35 WAC, and Chapter 391-25 WAC.
2. Based upon Finding of Fact 6, a change in circumstances occurred that altered the community of interest for the corrections officers and administrative employees included in the bargaining unit described in Finding of Fact 4.
3. Based upon Findings of Fact 7, 8, and 9, the administrative employees have affirmatively demonstrated a desire to be represented by Teamsters for purposes of collective bargaining.

ORDER

The bargaining unit described in Finding of Fact 4 shall be divided as follows:

1. The corrections officers shall be included in a bargaining unit described as "All nonsupervisory, noncommissioned corrections officers of Walla Walla County, excluding supervisors, confidential employees, and all other employees."

2. The administrative employees shall be included in a bargaining unit described as “All noncommissioned, nonsupervisory employees of the Walla Walla County Sheriff’s Office in the Office Assistant I, II, and III job classes and the Civil Process Officer job class, excluding supervisors, confidential employees, employees covered by Chapter 41.14 RCW, and all other employees.”

Teamsters Local 839 shall be certified as the exclusive bargaining representative of the bargaining unit described in Paragraph 2 of this order.

ISSUED at Olympia, Washington, this 1st day of December, 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.



TALLY OF CROSS-CHECK

PUBLIC EMPLOYMENT RELATIONS COMMISSION

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360.570.7300 | www.perc.wa.gov

Case Number 127859-C-16 Employer Walla Walla County

The Public Employment Relations Commission has conducted a confidential cross-check under WAC 391-25-410 and certifies the results as follows:

- | | |
|---|---|
| 1. Employees eligible to be in the bargaining unit | <u>5</u> |
| 2. Employees whose inclusion in the unit is challenged | <u>0</u> |
| 3. Total employees to be considered (Total of Lines 1 and 2) | <u>5</u> |
| 4. Valid authorization cards required (Majority of Line 3) | <u>3</u> |
| 5. Total cards of eligible employees examined | <u>5</u> |
| 6. Cards rejected as invalid | <u>0</u> |
| 7. Valid cards accepted in support of <u>Teamsters, Local 839</u> | <u>5</u> |
| 8. The Result of the Cross-Check is: | |
| | <input type="checkbox"/> Eligibility challenges affect the result |
| | <input checked="" type="checkbox"/> In favor of the organization listed on line 7 |
| | <input type="checkbox"/> In favor of No Representation |

Date Issued November 9, 2017 By: 



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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MARILYN GLENN SAYAN, CHAIRPERSON
MARK E. BRENNAN, COMMISSIONER
MARK R. BUSTO, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 12/01/2017

DECISION 12801 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:


BY: VANESSA SMITH

CASE NUMBER: 127859-C-16

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PARTY 2: WALLA WALLA COUNTY CORRECTIONS & PROFESSIONALS ASSOCIATION

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