

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

COWLITZ COUNTY,

For clarification of an existing bargaining unit
represented by:

COWLITZ COUNTY EMERGENCY
SERVICES ASSOCIATION

CASE 132433-C-19

DECISION 13215-A - PECB

DECISION OF COMMISSION

Ursula A. Kienbaum, Attorney at Law, Ogletree, Deakins, Nash, Smoak & Stewart,
P.C., for the Cowlitz County.

Daryl S. Garrettson, Attorney at Law, for the Cowlitz County Emergency Services
Association.

Elizabeth R. Lemoine, Attorney at Law, Public Safety Labor Group, LLP, for the
Sheriff Support Specialists' Guild.

December 30, 2019, Cowlitz County (employer) filed a unit clarification petition. In the petition, the employer sought to either (1) combine the bargaining unit of records specialists represented by the Cowlitz County Emergency Services Association, with the bargaining unit of non-uniformed employees working in the Sheriff's Office represented by the Sheriff Support Specialists' Guild; or (2) combine the two bargaining units into a single bargaining unit. After the employer filed its petition, the parties negotiated a Memorandum of Agreement (MOA), signed by representatives from the employer, the Association, and the Guild, to combine the Association and the Guild into a single bargaining unit.

On July 21, 2020, the Executive Director issued *Cowlitz County*, Decision 13215 (PECB, 2020). Relying upon the facts provided by the employer in its unit clarification petition and the MOA, the Executive Director clarified the bargaining unit and identified the Sheriff Support Specialists' Guild as the union representing the modified bargaining unit. Decision 13215 at 6.

On August 3, 2020, the Association filed a timely appeal. On August 10, 2020, the Guild filed a timely cross-appeal. None of the parties filed briefs on appeal.

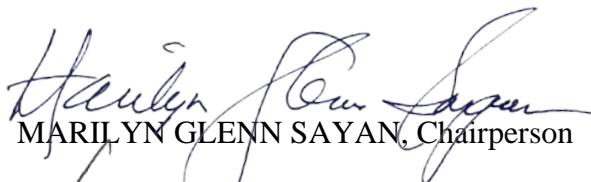
The issue before the Commission is whether the Executive Director's decision clarifying the bargaining unit was appropriate. The record in this matter is limited to the employer's petition, the parties' MOA, and the email correspondence with the Representation Case Administrator. The record lacks facts necessary for us to make a decision on the merits of the case. We reverse the Executive Director's decision clarifying the bargaining unit and identifying the Sheriff Support Specialists' Guild as the exclusive bargaining representative. We remand the case to the Executive Director to process the petition in accordance with Chapter 391-35 WAC, including, if necessary, conducting a hearing to adduce facts to determine whether clarification is appropriate.

ORDER

The findings of fact, conclusions of law, and order issued by Executive Director Michael P. Sellars are reversed and remanded for processing consistent with this decision.

ISSUED at Olympia, Washington, this 24th day of November, 2020.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


MARK BUSTO, Commissioner


KENNETH J. PEDERSEN, Commissioner



RECORD OF SERVICE

ISSUED ON 11/24/2020

DECISION 13215-A - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: AMY RIGGS

CASE 132433-C-19

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