

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

PROTEC17

Involving certain employees of:

CITY OF TACOMA

CASE 132998-E-20

DECISION 13342-D - PECB

FINAL CERTIFICATION

*Paul Marvy*, Projects Administrator, for PROTEC17.

*Cheryl Comer*, Deputy City Attorney, for the City of Tacoma.

On August 28, 2020, PROTEC17 filed a petition to represent a bargaining unit of all employees in the Financial Manager, Forensics Manager, and Office Manager job classes working for the City of Tacoma's (employer) Police Department. The employer objected to the inclusion of these employees in the proposed bargaining unit, asserting that they are confidential employees who are exempt from collective bargaining under RCW 41.56.030(12)(c). All three positions were determined to not be confidential employees in *City of Tacoma*, Decision 13342 (PECB, 2021). The employer appealed the determination to the Commission but appealed only that the Officer Manager was not a confidential employee. Because the employer did not appeal the rulings on the Financial Manager and the Forensics Manager, PROTEC17 was subsequently certified as the exclusive representative of those employees. *City of Tacoma*, Decision 13342-A (PECB, 2021).

On appeal, the employer argued that the Executive Director failed to analyze whether the Office Manager was a confidential employee under WAC 391-35-320(2). On September 21, 2021, the Commission remanded this matter to the Executive Director to determine whether the Office Manager was a confidential employee under WAC 391-35-320(2). *City of Tacoma*, Decision 13342-B (PECB, 2021).

On remand, the Executive Director determined that the Office Manager was not a confidential employee under WAC 391-35-320(2). *City of Tacoma*, Decision 13342-C (PECB, 2021). The Executive Director's decision was not appealed.

ORDER

1. This will stand as the final certification in this representation proceeding and the bargaining unit description will be modified as follows:

All full-time and regular part-time employees in the Office Manager, Financial Manager, and Forensics Manager job classes employed by the City of Tacoma Police Department, excluding confidential employees and all other employees.

2. The above-captioned matter is CLOSED.

ISSUED at Olympia, Washington, this 23rd day of November, 2021.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "M. Sellars", is written over the printed name of Michael P. Sellars.

MICHAEL P. SELLARS, Executive Director



# RECORD OF SERVICE

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ISSUED ON 11/23/2021

DECISION 13342-D - 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 132998-E-20

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