

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

LISA MAZE

Involving certain employees of:

PIERCE COUNTY

CASE 134538-E-21

DECISION 13462 - PECB

ORDER OF DISMISSAL

*Lisa Maze*, Petitioner.

*Lisa Hilligoss*, Assistant Director of HR/Labor and Employee Relations, for Pierce County.

On October 11, 2021, Liza Maze filed a representation petition seeking to decertify the Washington State Council of County and City Employees (union) as exclusive bargaining representative of certain employees at Pierce County (employer). The Legal Processing Assistant Supervisors are currently included in a bargaining unit consisting of “[a]ll full-time and regular part-time Adult Probation Officers and Legal Process Assistants employed by the Pierce County District Court.” *Pierce County*, Decision 12522-A (PECB, 2016).

On October 20, 2021, a routing letter was sent to the employer requesting a list of petitioned-for employees. On October 25, 2021, the employer sent a list of employees that included approximately 304 names. The list of employees submitted by the employer included employees in the employer’s district court but also included employees working in the Auditor’s Office, Human Services, Planning & Land Services, Finance & Performance Management, District Court, and Public Works. Those additional employees appeared to be outside the scope of the bargaining unit described in *Pierce County*, Decision 12522-A and on October 27, 2021, the employer was directed to provide an updated list of employees of only those employees who are in the bargaining unit described in *Pierce County*, Decision 12522-A. On that same day, the employer submitted a

list 65 employees in the Adult Probation Officers and Legal Process Assistants employed by the Pierce County District Court.

Following receipt of the list of employees, Representation Case Administrator Dario de la Rosa compared the showing of interest submitted by Maze against the employer's list and determined that Maze's petition was deficient under WAC 391-25-110. On November 4, 2021, the Representation Case Administrator issued a deficiency notice notifying Maze that her petition was not supported by at least 30 percent of the employees in the existing bargaining unit. On that same day Maze sent an email only to agency staff explaining that only the "supervisory" Legal Processing Assistants were requesting to be removed from the bargaining unit. Maze provided no other response to the deficiency notice.

On December 2, 2021, the Representation Case Administrator issued an amended deficiency notice which took into account Maze's email requesting that only the supervisory legal processing assistant sought to be removed from the unit. The December 2, 2021, deficiency notice once again informed Maze that her petition was deficient under WAC 391-25-110 and also informed her that her petition appeared to be deficient under WAC 391-25-210. That rule states that a decertification petition "shall not be permitted to remove positions from or add positions to the existing bargaining unit" and Maze's petition readily appears to seek a "severance decertification" affecting only a small number of employees who are within a larger bargaining unit. Maze provided no response to the December 2, 2021, deficiency notice.

### ANALYSIS

All representation petitions processed by this agency are governed by the provisions of chapter 391-25 WAC. Representation petitions must be supported by a showing of interest demonstrating that at least 30 percent of the employees in the bargaining unit support the purpose of the petition. WAC 391-25-110. This requirement is mandatory, not discretionary. *State – Labor and Industries, Decision 9052 (PSRA, 2005)*. The 30 percent requirement provides evidence that at least a significant minority of employees desires a change as to invoke the jurisdiction and resources of

the agency. The showing of interest must be submitted to the Commission under the same timeliness standards as the petition. WAC 391-25-110.

Furthermore, a decertification petition must take the unit as they find it and the parties shall not be permitted to remove positions from or add positions to the existing bargaining unit. WAC 391-25-210. A petition seeking a “severance-decertification” is void from the outset, and must be dismissed as such. *Oroville School District (Organized Classified Association of Oroville)*, Decision 11239 (PECB, 2011) (explaining distinctions between decertification and severance petitions).

Maze’s petition is not supported by at least 30 percent of the employees in the existing Adult Probation Officers and Legal Process Assistants bargaining unit and must be dismissed. The showing of interest cards submitted by Maze were signed by less than 8 percent of the eligible employees in the bargaining unit. The number of cards submitted is deficient under the existing standard and the petition must be dismissed. Finally, Maze’s petition is also deficient under WAC 291-25-210 because it sought to remove only supervisory Legal Processing Assistants from the bargaining unit, as opposed to seeking to decertify the entirety of the existing bargaining unit.

ORDER

The representation petition filed by Lisa Maze in the above matter is DISMISSED as procedurally defective.

ISSUED at Olympia, Washington, this 13th day of January, 2022.

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.



# RECORD OF SERVICE

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ISSUED ON 01/13/2022

DECISION 13462 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

CASE 134538-E-21

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