

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-B - PECB

ORDER CLARIFYING BARGAINING
UNIT ON REMAND

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

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

Elizabeth Lemoine, Attorney at Law, Lemoine Legal Services, P.C., for Sheriff Support Specialists' Guild.

On December 30, 2019, Cowlitz County (employer) filed a unit clarification petition concerning two bargaining units of employees represented by the Sheriff Support Specialists' Guild (Guild) and the Cowlitz County Emergency Services Association (Association). The Guild's bargaining unit includes the nonuniformed employees working in the Sheriff's department. The Association's bargaining unit included employees in the Records Specialist and Dispatcher job classes. The employer recently reorganized its workforce and transferred the Records Specialists to the Sheriff's office. The employer sought to either (1) combine the bargaining unit of Records Specialists represented by the Association, with the bargaining unit of nonuniformed employees working in the Sheriff's office represented by the Guild; or (2) combine the two bargaining units into a single bargaining unit.

To resolve the matter, the parties submitted a settlement agreement which sought to create combined bargaining unit of Records Specialists and nonuniformed employees in the Sheriff's

office. That agreement was reviewed under RCW 41.56.060, and it was determined that the parties' proposed bargaining unit configuration was appropriate. An order was then issued adding the Records Specialists to the nonuniformed bargaining unit. *Cowlitz County*, Decision 13215 (PECB, 2020). The decision also identified the Guild as the representative of the modified bargaining unit. *Id.* The Association filed a timely appeal agreeing that the combined bargaining unit configuration was appropriate but challenged the Guild being designated as the representative of the bargaining unit. The Guild filed a timely cross-appeal. The Commission remanded this matter to determine whether clarification is still appropriate. *Cowlitz County*, Decision 13215-A (PECB, 2020).

On remand, the parties continue to support their settlement agreement to create combined bargaining unit of Records Specialists and nonuniformed employees in the Sheriff's office. The parties also submitted bylaws that were recently adopted by the employees identifying the Cowlitz County Sheriff's Office Specialists' Guild (CCSOSG) as the desired bargaining representative for the recently merged employees.

Based upon these submissions, agency staff conducted an election to ascertain the desires of the employees in the bargaining unit. The October 27, 2021, tally of ballot demonstrates that the bargaining unit employees selected the CCSOSG as their bargaining representative and none of the parties filed objections. Accordingly, the CCSOSG shall be certified as the exclusive bargaining representative of the bargaining unit of Records Specialists.

AMENDED FINDINGS OF FACT

1. Cowlitz County is a public employer within the meaning of RCW 41.56.030(12).
2. The Sheriff Support Specialists' Guild (Guild) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The Cowlitz County Emergency Services Association (Association) is a bargaining representative within the meaning of RCW 41.56.030(2).

4. The Cowlitz County Sheriff's Office Specialists' Guild (CCSOSG) is a bargaining representative within the meaning of RCW 41.56.030(2).
5. The Guild represents a bargaining unit of nonuniformed staff working for the Cowlitz County (employer) Sheriff's office. The bargaining unit includes employees in the Administrative Secretary, Accounting Clerk, Civil Clerk, Property/Evidence Clerk, Case Management Clerk, Task Force Clerk, and Sex Offender Registration Clerk job classes. These nonuniformed clerk positions are responsible for processing and maintaining sheriff's office records, such as civil case information, evidence, and sex offender information.
6. The Association represents a bargaining unit of Records Specialists and Dispatchers working for the employer. Prior to 2019, the Records Specialists were assigned to the employer's corrections department and the Dispatchers fell under the responsibility of the Cowlitz County Board of Commissioners. Despite these differences in reporting structures, the bargaining unit employees maintained a community of interest. The Records Specialists are responsible for validating and entering police reports, warrants, and protective orders as well as completing public records requests.
7. In January 2019, the employer created a new agency, Cowlitz 911. The employer transferred the Dispatchers described in finding of fact 4 to Cowlitz 911. Although the Association continued to represent the Dispatchers, the Association and Cowlitz 911 negotiated a separate agreement that covered just the Dispatchers.
8. In July 2019, the employer transferred the Records Specialists to the Sheriff's office. The employer made this change following a Washington Association of Sheriffs and Police Chiefs Loaned Executive Management report that raised concerns about the sheriff's office maintaining two separate groups of employees who maintained law enforcement records.

9. The nonuniformed clerks described in finding of fact 5 and Records Specialists described in finding of fact 6 maintain sheriff department records and are responsible for providing staff and other interested parties copies of employer held reports. Additionally, all of these positions now provide administrative services for the sheriff's office, including civil processes, budget and finance management, evidence management, court services, permitting, public disclosure, and emergency management. Work jurisdiction issues would be created if these employees were in separate bargaining units.
10. Following the transfer of employees described in finding of fact 8, the parties submitted bylaws that were recently adopted by the bargaining unit's membership identifying the Cowlitz County Sheriff's Office Specialists' Guild.
11. An election was conducted under the supervision of the Commission in a manner designed to afford the affected employees a free choice in the selection of their bargaining representative, if any; and no meritorious objections have been filed with respect to these proceedings.

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 findings of fact 5 through 9, the employees in the nonuniformed clerk job classes described in finding of fact 5 only share a community of interest with the Records Specialists described in finding of fact 6.

ORDER

1. The nonuniformed employees described in finding of fact 5 shall be included in a bargaining unit with the Records Specialists described in finding of fact 6. That bargaining unit shall be described as follows:

All full-time and regular part-time support employees and Records Specialists employed by the Cowlitz County Sheriff's Office, excluding supervisors, confidential employees, and all other employees.

2. The Cowlitz County Sheriff's Office Specialists' Guild is certified as the exclusive bargaining representative of the modified bargaining unit described in paragraph 1 of this order.

ISSUED at Olympia, Washington, this 31st day of January, 2023.

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

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.



RECORD OF SERVICE

ISSUED ON 01/31/2023

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

A handwritten signature in blue ink, appearing to read "Debbie Bates", is written over a horizontal line.

BY: DEBBIE BATES

CASE 132433-C-19

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