

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

KING COUNTY,

For a declaratory order involving:

KING COUNTY POLICE OFFICER'S
GUILD

CASE 138446-D-24

DECISION 13803 - PECB

DECISION OF COMMISSION

Devon Shannon, Senior Deputy Prosecuting Attorney, King County Prosecuting Attorney Leesa Manion, for King County.

Derrick A. Isackson, Attorney at Law, Vick, Julius, McClure, P.S., for the King County Police Officer's Guild.

STATEMENT OF THE CASE

On February 21, 2024, King County filed a petition seeking a declaratory order determining whether the Agency may decline to appoint an arbitrator for a law enforcement personnel grievance arbitration under RCW 41.58.070 where the requestor is not a party to the collective bargaining agreement. We deny the petition.

PROCEDURAL BACKGROUND

On January 24, 2024, attorney Daniel E. Thenell, on behalf of an individual grievant, filed a request for the appointment of an arbitrator from the Law Enforcement Arbitration Roster created by RCW 41.58.070. Thenell represented a grievant and asserted the King County Police Officer's Guild (Guild) had not been involved. King County opposed the appointment of an arbitrator. The Executive Director appointed an arbitrator.

On February 21, 2024, King County filed a petition for a declaratory order. On February 27, 2024, Executive Director Michael Sellars notified King County, the King County Police Officer's Guild, and Thenell of the petition. The Executive Director asked the parties to notify the Commission by March 8, 2024, if they consented to determination of the matter by declaratory order and provided an opportunity to file written responses.

On March 7, 2024, the King County Police Officer's Guild consented to determination of the issue by declaratory order. Mr. Thenell did not respond to the Executive Director's letter.

ANALYSIS

The Commission shall not issue a declaratory order if "a necessary party whose rights would be substantially prejudiced does not consent, in writing, to the determination of the matter by a declaratory order." WAC 391-08-520(3)(b); *Puyallup School District*, Decision 12900 (EDUC, 2018).


The question of whether the agency may appoint an arbitrator from the Law Enforcement Grievance Roster stems from Thenell's January 24, 2024, request to appoint an arbitrator. Therefore, the grievant is a necessary party to the declaratory order. The Commission cannot issue a declaratory order because all necessary parties have not consented.

ORDER

The petition for a declaratory order is DENIED.

ISSUED at Olympia, Washington, this 14th day of March, 2024.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK BUSTO, Commissioner



ELIZABETH FORD, Commissioner



RECORD OF SERVICE

ISSUED ON 03/14/2024

DECISION 13803 - 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 138446-D-24

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PARTY 3: FRATERNAL ORDER OF POLICE

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