

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

TEAMSTERS LOCAL 252

For clarification of an existing bargaining unit
of employees of:

PACIFIC COUNTY

CASE 138695-C-24

DECISION 13848 - PECB

ORDER CLARIFYING BARGAINING
UNIT

Dane Bonnell, Business Agent, for Teamsters Local 252.

Paul Plakinger, County Administrative Officer, for Pacific County.

Teamsters Local 252 (union) represents a bargaining unit of 911 dispatch and corrections employees at Pacific County (employer) that report to the County Sheriff. Prior to June 6, 2024, none of the employees in the bargaining unit were eligible for interest arbitration. The petition asserts the employer recently entered into an interlocal agreement with several cities and fire districts to provide regional 911 services to the residents of Pacific County. The employer created PACCOM, a new department that operates a consolidated public safety communications center and is supervised by the Pacific County Board of Commissioners. The employer also moved its 911 dispatch employees to staff PACCOM.

On March 6, 2024, the union filed a unit clarification petition to remove the 911 dispatch employees from the existing 911 dispatch and corrections employees bargaining unit. The union asserts that the employer's decision to move the 911 dispatch employees from the Sheriff's Office to PACCOM represents a change in circumstances that warrant their removal from the bargaining unit and placed in a separate 911 dispatch employees bargaining unit. The employer does not oppose the union's petition. At the time the petition was filed, the legislature was considering, but had not passed, Laws of 2024, ch. 124 (SB 5808) which grants interest arbitration rights to certain

public safety telecommunicators. SB 5808 was ultimately signed into law by the governor and goes into effect on June 4, 2024.

The union's request for clarification is granted because the adoption of SB 5808 necessitates the 911 dispatch employees be placed in their own separate bargaining unit. The 911 dispatch employees at Pacific County are now interest arbitration eligible employees while the corrections employees remain nonuniformed employees who are not eligible for interest arbitration. RCW 41.56.030(14)(b). Based upon the different impasse resolution processes, employees who are eligible for interest arbitration cannot be included in the same bargaining units as employees who are not eligible for interest arbitration. WAC 391-35-310. The 911 dispatch employees shall be placed in their own 911 dispatch employees bargaining unit that is represented by the union.

ANALYSIS

Determination of Appropriate Bargaining Unit

The determination of appropriate bargaining units is a function delegated to this agency by the legislature. *City of Richland*, Decision 279-A (PECB, 1978), *aff'd*, *International Association of Fire Fighters, Local 1052 v. Public Employment Relations Commission*, 29 Wn. App. 599 (1981), review denied, 96 Wn.2d 1004 (1981). The goal in making unit determinations is to ensure there is a community of interest among the employees sufficient to enable them to bargain effectively with their employer and avoid potential work jurisdiction disputes and fragmentation. *Quincy School District*, Decision 3962-A (PECB, 1993); *King County (Amalgamated Transit Union, Local 587)*, Decision 6696 (PECB, 1999).

In making bargaining unit determinations, this agency considers "the duties, skills, and working conditions of the public employees; the history of collective bargaining . . .; the extent of organization among the public employees; and the desire of the public employees." RCW 41.56.060. Bargaining unit determinations are made on a case-by-case basis, and the criteria are not applied on a strictly mathematical basis. *King County*, Decision 5910-A (PECB, 1997). Not all of the factors will arise in every case, and where they do exist, any one factor could be more important than another, depending on the facts. *Renton School District*, Decision 379-A

(EDUC, 1978), *aff'd*, *Renton Education Association v. Public Employment Relations Commission*, 101 Wn.2d 435 (1984).

A unit clarification petition that seeks to add or remove employees to or from an existing bargaining unit requires a recent meaningful change in circumstances that alters the community of interest such that clarification is necessary. WAC 391-35-020; *University of Washington*, Decision 10496-A (PSRA, 2011) (citing *City of Richland*, Decision 279-A). Among the types of changes that can alter the existing community of interest and necessitate clarification are meaningful changes to job duties, reorganization of the workforce, or other significant changes to the workplace environment. *See Lewis County (Teamsters Local 252)*, Decision 6750 (PECB, 1999). A mere change in job titles is not necessarily a material change in working conditions that would qualify under chapter 391-35 WAC to alter the composition of a bargaining unit through the unit clarification process. *See University of Washington*, Decision 10496-A.

Employees eligible for interest arbitration impasse procedures will not be commingled in bargaining units with employees who are not eligible for interest arbitration impasse procedures. *Thurston Fire District 9*, Decision 461 (PECB, 1978); *King County*, Decision 6668 (PECB, 1999). Whether employees occupy positions eligible for interest arbitration is determined by statute. Uniformed personnel, who are eligible for interest arbitration, are generally defined by RCW 41.56.030(14).

Application of Standards

In this instance, it is not necessary to determine whether the employer's decision to move the 911 dispatch employees to PACCOM represents a change in circumstances that disrupted the existing community of interest. When the legislature passed SB 5808 and granted interest arbitration rights to public safety telecommunicators, the employer's 911 Dispatch employees became interest arbitration eligible.

While the 911 dispatchers became uniformed personnel eligible for interest arbitration as a means of settling labor disputes, the corrections employees remained nonuniformed employees who are not eligible for interest arbitration. Because the 911 dispatch employees and corrections employees

are currently included in the same bargaining unit, the existing bargaining unit has become inappropriate. WAC 391-35-310.

The uniformed 911 dispatchers must be placed in their own separate bargaining unit based upon long-standing rule and precedent. *Thurston County Fire Protection District 9*, Decision 461; *King County*, Decision 6668. The union shall continue to represent the uniformed personnel and nonuniformed personnel for purposes of collective bargaining.

FINDINGS OF FACT

1. Pacific County is a public employer within the meaning of RCW 41.56.030(13).
2. Teamsters Local 252 is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The union represents a bargaining unit that included nonuniformed 911 dispatch and corrections employees that reported to the County Sheriff.
4. The employer recently entered into an interlocal agreement with several cities and fire districts to provide regional 911 services to the residents of Pacific County. The employer created PACCOM, a new department that operates a consolidated public safety communications center and is supervised by the Pacific County Board of Commissioners. The employer also moved its 911 dispatch employees to staff PACCOM.
5. The legislature recently passed Laws of 2024, ch. 124 (SB 5808) which grants interest arbitration rights to certain public safety telecommunicators. SB 5808 was signed by the governor and goes into effect on June 4, 2024.

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 3 through 4, the bargaining unit described in finding of fact 3 is inappropriate because it includes both uniformed employees eligible for interest arbitration and nonuniformed employees who are not eligible for interest arbitration.

ORDER

The bargaining described in finding of fact 3 shall be modified to the uniformed personnel, as follows:

1. The corrections employees bargaining unit shall be described as “All full-time and regular part-time nonsupervisory corrections employees working for the Pacific County Sheriff’s Department, excluding supervisors, confidential employees, uniformed employees, and all other employees.”
2. The 911 dispatch employees bargaining unit shall be described as “All full-time and regular part-time uniformed Public Safety Telecommunicators employed by Pacific County, excluding supervisors, confidential employees, nonuniformed employees, and all other employees.”

ISSUED at Olympia, Washington, this 16th day of May, 2024.

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 391-35-210.



RECORD OF SERVICE

ISSUED ON 05/16/2024

DECISION 13848 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

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CASE 138695-C-24

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