

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. RC-002-21

(REPRESENTATION)

WASHINGTON COUNTY POLICE	)	
OFFICERS ASSOCIATION,	)	
	)	
Petitioner,	)	
	)	ORDER CERTIFYING
v.	)	EXCLUSIVE REPRESENTATIVE
	)	
WASHINGTON COUNTY SHERIFF'S	)	
OFFICE,	)	
	)	
Respondent.	)	

On January 19, 2021, Petitioner Washington County Police Officers Association filed a petition to certify a new bargaining unit by card check, under ORS 243.682(2) and current OAR 115-025-0030.<sup>1</sup> The petition proposed a unit that would include all employees employed by Respondent Washington County Sheriff's Office, in the classifications of Criminal Records Specialist I, Criminal Records Specialist II, and Senior Criminal Records Specialist. On February 15, 2021, Respondent timely filed objections to the petition, contending that (1) a separate unit of Criminal Records Specialists ("CRS") is inappropriate because it did not include all of the remaining unrepresented employees in the Sheriff's Office (or the County), and (2) the Senior CRS are statutory supervisors.

Because the petition seeks to create a new bargaining unit of unrepresented employees, the matter was expedited under OAR 115-025-0065(1)(c) and assigned to Administrative Law Judge (ALJ) Martin Kehoe. A hearing was scheduled for March 9, 2021. Subsequently, the parties mutually agreed to postpone the hearing to August 16 and 17, 2021.

In the interim, on May 25, 2021, Respondent amended its objections to add a contention that an appropriate unit must include, at a minimum, employees working as Jail Service Technicians (JST). On July 16, 2021, Petitioner amended its petition to propose a bargaining unit that would include employees in the classifications of CRS I, CRS II, Senior CRS, JST, and

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<sup>1</sup>Effective January 7, 2021, the Board's Division 25 rules were modified.

Investigative Service Specialist (ISS). On July 26, 2021, Respondent informed the ALJ that the amended petition made Respondent's objection to the appropriateness of the unit moot. On July 29, 2021, after conferring with Respondent, Petitioner clarified that the amended petition was intended to include the classifications of JST I, JST II, and JST III. Respondent filed an objection to the amended petition, contending only that the Senior CRS are statutory supervisors.

On July 30, 2021, ALJ Kehoe informed the parties that he had determined that the amended petition was supported by a sufficient showing of interest, even without any authorization cards that were submitted by objected-to employees. Because the inclusion or exclusion of the objected-to employees could not affect the result of the showing of interest determination, ALJ Kehoe concluded that the proposed bargaining unit should be certified without a hearing. ALJ Kehoe also indicated that, after the unit certification, Respondent could file a unit clarification petition to determine the supervisory status of the Senior CRS, as set forth in OAR 115-025-0050(6) (Unit Clarification Petition to Determine Public Employee Status). He then afforded Respondent an opportunity to respond by August 13, 2021, and show cause why the petitioned-for bargaining unit should not be certified. Respondent did not file a response.

On August 25, 2021, ALJ Kehoe sent a letter to the parties stating that because of the significant number of employees added in the amended petition, it was necessary for Respondent to post a new notice of the modified proposed bargaining unit to provide the requisite 14-day period for the affected employees to request an election under OAR 115-025-0061. That posting identified the proposed bargaining unit as Criminal Records Specialist I, Criminal Records Specialist II, Senior Criminal Records Specialist, Jail Services Technician I, Jail Services Technician II, Jail Services Technician III, Investigative Support Specialist, and Investigative Support Specialist - Senior.<sup>2</sup> Under the terms of that notice, a request for an election was required to be received by September 9, 2021. No request for an election was filed.

A majority of eligible employees in the proposed bargaining unit signed valid authorization cards designating the Washington County Police Officers Association as the exclusive representative of the proposed bargaining unit. Because the Association petitioned for certification of the unit by card check, we treat Respondent's objection to the inclusion of the Senior CRS classification in the proposed bargaining unit as challenges to the inclusion of those employees on the list of eligible employees that is used to determine whether the showing of interest for the representation petition is sufficient. See OAR 115-025-0051(2), (3). Because the number of challenges is "insufficient to potentially affect the result" of the showing of interest determination, the challenges are dismissed. OAR 115-025-0051(3)(b). *See also* IBEW Local 89 v. Oregon Legislative Assembly, Case No. RC-001-21 (2021) (certifying results of certification election without resolving challenges to certain employees' public employee status when the number of challenges could not affect the outcome).

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<sup>2</sup>The County identified the Investigative Support Specialist – Senior classification as supervisory. As with the Senior CRS Classification, we do not determine the supervisory status of the Investigative Support Specialist—Senior classification in this proceeding.

ORDER

Accordingly, it is certified that the Washington County Police Officers Association is the exclusive representative of the following bargaining unit for the purpose of collective bargaining:

Employees in the classifications of Criminal Records Specialist I, Criminal Records Specialist II, Senior Criminal Records Specialist, Jail Services Technician I, Jail Services Technician II, Jail Services Technician III, and Investigative Support Specialist, employed in the Washington County Sheriff's Office.

DATED: September 17, 2021.



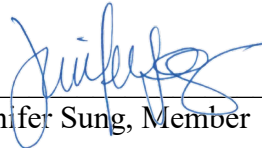
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Adam L. Rhynard, Chair



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Lisa M. Umscheid, Member



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Jennifer Sung, Member

This Order may be appealed pursuant to ORS 183.482.