

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	CASE NO. 3075-E-80-592
WASHINGTON STATE COUNCIL OF	)	
COUNTY AND CITY EMPLOYEES	)	DECISION NO. 1439 - PECB
Involving certain employees of:	)	
SNOHOMISH COUNTY	)	DIRECTION OF ELECTION

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Marsha Mearns Saylor, Staff Counsel, appeared for Washington State Council of County and City Employees, AFL-CIO.

Cabot Dow Associates, by Cabot Dow, appeared on behalf of Snohomish County.

A petition for investigation of a question concerning representation was filed by the Washington State Council of County and City Employees (WSCCCE) with the Public Employment Relations Commission (PERC) on October 3, 1980, claiming an appropriate bargaining unit of "County Deputy Prosecutors, Civil and Criminal, excluding the Snohomish County Prosecutor; Chief Deputy-Criminal Division; and Chief Deputy-Civil Division." An amended petition was filed October 16, 1980 which excluded only the Snohomish County Prosecutor. A hearing was held on the amended petition in Everett, Washington on December 9 and 10, 1980, January 5, 6, 28, 29, 30 and February 2 and 3, 1981, before Hearing Officer Katrina I. Boedecker.

ISSUES:

At the hearing, the issues identified as disputed were:

- (1) Whether the deputy prosecuting attorneys in the "civil unit" are confidential employees and therefore exempt from the coverage of the Act;
- (2) Whether the Chief Deputy Prosecuting Attorneys in the Criminal and Civil Divisions and the Lead Deputy Prosecuting Attorney in the Family Support Unit are supervisors who should be excluded from the bargaining unit; and
- (3) Whether the petitioner is an appropriate organization to represent the county's deputy prosecuting attorneys.

In its brief, the county sought to raise an additional issue, claiming that the lead deputies in the criminal division are also supervisors who should be excluded from the unit.

FACTS:

Snohomish County employs over 1300 people in various departments. Recently, Snohomish County converted to a charter form of government with an elected county council and an elected County Executive. The county has six additional elected officials: Assessor, Auditor, Treasurer, Sheriff, Clerk and Prosecuting Attorney. The County Executive does not hire or fire elected officials' subordinates.

Russ Juckett has been the Prosecuting Attorney in Snohomish County since January, 1979. His duties, defined by Chapter 36.27 RCW, include being legal counsel to elected county officials and county department heads as well as reviewing and prosecuting criminal referrals from 18 agencies. The Snohomish County Prosecutors Office employs approximately 64 people; 32 attorneys and 32 support staff employees. A deputy prosecuting attorney shares, under the provisions of RCW 36.27.040, the same scope of authority as the elected Prosecuting Attorney.

The Prosecuting Attorney's office is subdivided into a criminal division and a civil division, each of which is headed by a Chief Deputy. There are 21 attorneys in the criminal division and 10 attorneys in the civil division. The physical separation between the civil and criminal divisions is quite complete. The division offices are separated from one another by a public hallway and several doors, most of which are locked permanently so that the attorneys cannot go between the divisions unless they go through the front door. The civil division has its own library and the civil division attorneys need go into the criminal division library only about once a week. In the civil division there are three units: Family Support (which is staffed by a Lead Deputy Prosecuting Attorney and two additional deputy prosecuting attorneys), Insurance Support (which is staffed with one deputy prosecuting attorney), and the "Civil Unit" (which at the time of the hearing was staffed by deputy prosecuting attorneys Sue Tanner, Sally Carpenter, John Dalton, James Berglund, and Julia Gibb). Robert Murray was also in the civil unit, but assigned just to CETA programs.

The 63 "clients" of the civil unit are county departments or subdivisions. Each such client is assigned one of the deputy prosecuting attorneys from the civil unit (hereinafter: civil deputy) as a lead contact and another civil deputy as a "back-up" contact in the event the assigned attorney is unavailable. The assigned counsel is the attorney that the department head ("client") calls for legal advice. If neither the lead counsel nor the back-up counsel is present, the inquiry is handled by any available civil deputy. A civil deputy can be lead counsel for one to thirteen departments and back-up counsel for the same number. The assignments can change two to three times a year depending on staff turnover. For example, a new assignment chart was prepared in the routine course of business one month before the

hearing in this case, and one civil deputy resigned during the course of the hearing, causing another shift in assignments. A civil deputy averages 10 to 15 phone calls per day from clients. A request for legal assistance can be answered either informally over the telephone or in a formal written opinion letter. A civil deputy handling a difficult issue discusses it with other civil deputies.

The parties stipulated that the employer involved in these proceedings is Snohomish County, not the Prosecuting Attorney. Further, the parties stipulated that the deputy prosecuting attorneys in the criminal division and the family support unit are all employees within the meaning of the Public Employees Collective Bargaining Act, RCW 41.56.030(1). The confidentiality claims arise as to the civil deputies.

The county has nine bargaining units: Teamsters Local 763 represents a unit of employees in the engineering department, a unit of deputy sheriffs, and a unit of non-deputized employees in the sheriff's department; WSCCCE represents units of employees in the solid waste and road departments, in the Assessor's office, in the Auditor's and Treasurer's offices and the support personnel in the Prosecuting Attorney's office; the International Association of Firefighters represents a unit of firefighters at Paine Field; and an independent association of employees represents a unit of employees in the juvenile center.

In their testimony, the county executive and various department heads cited examples of discussing personnel and labor relations matters with various civil deputies. During the pendency of this petition, the sheriff's department employees threatened to take some sort of job action. A civil deputy prepared and successfully argued, in superior court, for an injunction against such action. Also among their duties, civil deputies are to approve all collective bargaining agreements "as to form". Although no civil deputy has represented the county at a grievance arbitration hearing, the civil unit is contacted through the steps of the grievance procedures in the various collective bargaining agreements of the county. The county hires outside labor relations consultants, Cabot Dow Associates, to negotiate the collective bargaining agreements and handle arbitrations.

Personnel rules for county employees were developed by John Larsen when he was head of the Human Resources Department. He testified that he and the civil deputy then assigned to him worked closely, with county officials, department heads and the county council. The county council must adopt the personnel policy through ordinance before it becomes established. Larsen also testified that civil deputy Carpenter was in management caucuses during negotiations for new labor agreements. Because of her experience, Carpenter was labeled the "employment attorney" and was assigned to the Human Resources Department. As an example of the overlap of responsibilities, however there

is evidence in the record that civil deputy Tanner "assisted" the prosecutor in a matter involving CETA, since Carpenter was not available. Other civil deputies have worked on management's bargaining side, too. For example, a civil deputy formerly assigned to the Sheriff's office sat on the employer's negotiating team during the contract negotiations between the Sheriff and the law enforcement officers' unit.

Statutorily, the Prosecuting Attorney and the civil deputies can only give legal advice. At least in theory, then, they can advise regarding legal options available, the legal consequences and legal risks of actions but cannot make policy decisions for the county. The county council, under its charter, can hire its own legal counsel outside of the prosecutor's office. At the time of the hearing, however, that provision of the charter was being challenged by the Prosecuting Attorney, in court, as an invasion of the statutory authority of the Prosecuting Attorney. The prosecuting attorney's office has retained a private attorney to represent the county on tax matters.

Each week there is a departmental meeting where the prosecutor, the chief deputy prosecutors and the deputy administrator, Jon Nicon, discuss office policies. The Prosecuting Attorney has the final word in hiring and firing of all deputy prosecuting attorneys. He solicits input from the chief deputy prosecuting attorneys and the lead deputy prosecuting attorney in the family support unit. In an instance involving a termination, he did not follow the recommendation of a chief deputy immediately. He changed his mind later, however, and did terminate the employee. The chief deputy prosecuting attorneys have been involved in layoff planning. They are autonomous in assigning work and they evaluate the deputy prosecuting attorneys in their respective divisions. They place newly hired attorneys on the salary scale where they feel placement is appropriate. Chief Criminal Deputy Kay Trumbell has issued notices of vacancies in her division. Robert Castell, the Lead Deputy Prosecuting Attorney for the family support unit, has sat with Juckett during interviews for filling support unit vacancies. Castell is responsible for evaluating the attorneys in the family support division. The former Lead Deputy in the family support unit substituted for Chief Civil Deputy Ed Level when Level was unable to attend the department meetings. The Chief Deputy Prosecuting Attorneys earn \$8000 to \$9000 more than other deputy prosecutors, but it is possible for a senior deputy to earn more money than the individual holding the "Lead" title is currently making.

The current effort to organize the deputy prosecuting attorneys began in the fall of 1980, when Juckett called all of the deputy prosecuting attorneys to a meeting where he stated he was having difficulty convincing the County Council to give him money in the budget for salary increases. Juckett suggested that the attorneys might consider organizing for the purposes of collective bargaining, in order to improve their (and his) persuasive

efforts with the County Council. This concept was not new. Prior to Juckett's taking office, bylaws had been written up for such a guild. After working with the idea, the attorneys decided they would be better off to seek assistance from an established union instead of forming their own guild.

POSITIONS OF THE PARTIES:

The county interprets Washington Supreme Court precedent to dictate that employees who have an intimate association or a confidential relationship with elected officials or appointed department heads are confidential employees and therefore not employees within the meaning of the Public Employees Collective Bargaining Act, RCW 41.56. Although the civil deputies are given specific officials and departments to advise, the county points out that, due to the nature of the office and the interchange of information, there is a great deal of crossover in the office and all the civil deputies provide legal counsel on labor relations and personnel matters. The county argues that WSCCCE is an inappropriate union to represent the deputy prosecuting attorneys, since WSCCCE represents other bargaining units of this employer. Citing an American Bar Association opinion, the county argues that lawyers are prohibited from forming a union which is affiliated with any labor organization which represents any other employees. Finally, the employer cites examples of exercise of independent authority to show that chief deputy prosecuting attorneys and the lead deputy prosecuting attorney in the family support unit are supervisors within the meaning of the Act who should not be commingled in the rank and file unit. The county concedes in its brief that, with the exception of lead deputy Castell, the county is not challenging the public employee status of the deputy prosecuting attorneys in the family support unit of the Civil Division.

The union's major argument is that the civil deputy prosecuting attorneys do not formulate labor relations policy regarding the bargaining unit of the deputy prosecuting attorneys. The union argues that the petitioned-for unit would be an autonomous bargaining unit and not mingled with any presently represented group. The union advances that Snohomish County can have Juckett do all the legal work regarding labor relations for the department heads, or that the county could follow its present example in tax matters and hire an outside attorney for labor relations matters. The union cites Washington Supreme Court precedents to say that RCW 41.56 is remedial in nature and therefore should be liberally construed to effectuate its purpose of providing public employees with the right to bargain collectively. The union also cites examples from other states and American Bar Association opinions which allow attorneys to form bargaining units. Finally, the union advances that the code of ethics to which attorneys are held would prohibit any deputy prosecuting attorney from breaching the confidence of clients for his or her own purposes. As to the supervisory issues, the union advances that Juckett

has the authority in the office and that the chief deputy prosecuting attorneys and the lead deputy in the family support unit do not qualify for supervisory status.

DISCUSSION:

Appropriate Union

The county's argument that the WSCCCE is the inappropriate union to represent the petitioning employees is one of first impression for the Public Employment Relations Commission. However, the National Labor Relations Board has recently considered the issue. In Stoock & Stoock & Lavan, 253 NLRB No. 52 (1980), the United Auto Workers (UAW) petitioned to represent the clerical and support staff of the named law firm. The employer argued that the petitioning union was unsuited to represent the employees because of its affiliation with an international union of general jurisdiction. The employer's theory was that it would be counseling clients in its labor law practice on their dealings with the UAW, and that representation of its support staff by the UAW would inevitably lead to damaging leaks of client confidences. The NLRB held that the evidence did not warrant depriving the employees of their right to choose the UAW as their representative. Washington statute, RCW 41.56.040 states:

"No public employer, or other person, shall directly or indirectly, interfere with, restrain, coerce, or discriminate against any public employee or group of public employees in the free exercise of their right to organize and designate representatives of their own choosing for the purpose of collective bargaining, or in the free exercise of any other right under this chapter." (Emphasis added).

The legislature has made a broad grant of the right to organize. The Washington Supreme Court has held that RCW 41.56 is remedial in nature and thus its "provisions should be liberally construed to effect its purposes". Roza Irrigation Dist. v. State, 80 Wn.2d 633 (1972). "[The statute's] purpose is implementation of the right of public employees to join and be represented by labor organizations. RCW 41.56.010"; International Association of Firefighters vs. City of Yakima, 91 Wn.2d 101 (1978) at p. 109. The civil deputies who testified were credible in their testimony that they would be barred by their own sense of ethics and by their interpretation of the State Bar's Code of Ethics from disclosing any information gained while working under the attorney-client protected communications umbrella. However, this is not an ethical problem; the case at hand is governed by a state statute which exempts confidential employees from the definition of a "public employee" covered by the Public Employees Collective Bargaining Act. The employer is protected from disclosure of confidential information

concerning its labor relations policies by the exemptions of RCW 41.56.030(2). Snohomish County has not shown a sufficient reason to curtail the right "to designate representatives of their own choosing" given its other employees by the legislature.

#### Confidential Employees

"RCW 41.56.030(2) 'Public employee' means any employee of a public employer except any person ... (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit..."

The Supreme Court of this state has twice addressed the public sector "confidential employee" question. First, in Municipality of Metropolitan Seattle, v. Dept. of L & I, 88 Wn.2d 925 (1977), the court wrote of a legislative judgment that public officials should have freedom not only to control, hire or fire confidential employees, but also to work with the confidential employees unrestrained by collective bargaining. However, the court emphasized that the exclusion is very narrow. A confidential employee's duties must "necessarily imply a confidential relationship", 88 Wn2d at p. 928. In Firefighters v. Yakima, 91 Wn.2d 101 (1978), the court more precisely described the association and the duties which "necessarily imply" a confidential relationship. The court reasoned that the legislature provided the exception because of concern for a potential misuse of confidential labor relations policy information and the resulting conflict of interest.

"We hold that in order for an employee to come within the exception of RCW 41.56.030(2), the duties which imply a confidential relationship must flow from an official intimate fiduciary relationship with the executive head of the bargaining unit or public official. The nature of this close association must concern the official and policy responsibilities of the public officer or executive head of the bargaining unit including formulation of labor relations policy." 91 Wn.2d at p. 107.

The court elaborated that the fiduciary confidential relationship "arises when continuous trust is reposed by one person in the skills and integrity of another". The court wrote that it is from this "continuous trust" relationship that confidential employees could be subject to a conflict of interest were they to bargain with the employer.

"By excluding from the provisions of a collective bargaining act persons who work closely with the executive head of the bargaining unit, and who have, by

virtue of a continuous trust relation, assisted in carrying out official duties, including formulation of labor relations policy, such conflict is avoided. And, public trust is protected since officials have the full loyalty and control of intimate associates." 91 Wn.2d at p. 105.

The record in this case is replete with examples of the civil deputies working closely with public officials of Snohomish County in a continuous trust relationship. Over 30 legal memoranda are in evidence, representing examples of interpretations of personnel policies, employment practices and labor agreements authored by various civil deputies and addressed to different public officials. Examples include:

Nov. 29, 1979 - Civil deputy Gibb to Insurance Risk Manager - re: Law Enforcement Professional Liability policies complying with union agreement.

January 30, 1980 - Civil deputies Henley and Carpenter to Personnel Dept. - re: County employees using their own vehicles on county business.

March 26, 1980 - Civil deputy Terwilliger to County Executive - re: Grant of wages and benefits in excess of those provided to county employees under the personnel rules.

May 7, 1980 - Civil deputy Carpenter to County Labor Negotiator - re: Authority to Sign and Approve Union Contracts.

Oct. 30, 1980 - Civil deputy Tanner to Chief Deputy Assessor - re: Step increases for Assessor's office union employees.

Nov. 20, 1980 - Civil deputy Berglund to Auditor - re: Applicability of personnel rules to out-of-class pay when subject is not covered by union contract.

Nov. 26, 1980 - Civil deputy Henley to Chief Wilke, Sheriff's Office - re: Overtime computation.

Dec. 5, 1980 - Civil deputy Dalton to county executive - re: Correct steps to lay-off employees of law and justice planning office.

Other memos answer questions concerning accrual of vacation time, wage payments, carry over of sick leave and proposed personnel rules.

The union stresses that the civil deputies deal with other bargaining units in the county and thus would not be in a confidential relationship with the employer regarding their own unit. However, since the parties stipulated that the employer is Snohomish County, and not the prosecutor, the inquiry must be directed to whether the civil deputies have access to the county's labor relations policies. Possession of knowledge or information which, if disclosed, would damage the collective bargaining relationship, is a key



factor in determining the confidentiality of a position. West Valley School District, Decision 798 (PECB, 1979); Marysville School District No. 25, Decision 1211 (PECB, 1981). The confidentiality is not based on the disputed employee's relationship to the unit, but the relationship between the individual and the employer. It would be an artificial distinction to label employees who advise management on labor negotiations as confidential for one unit but not for another. How the employer treats non-union and union employment concerns comprise the total package of its labor relations policy. Additionally, given the way civil deputies are utilized, such a distinction would be overly cumbersome to police and administer.

The union stresses that the civil deputies do not formulate policy for the county officials. The question, however, is not whether the civil deputies set the labor policy for the employer, but whether they "assist and act in a confidential capacity to persons who formulate, determine and effectuate management policies in the field of labor relations". B. F. Goodrich Co., 115 NLRB 722, (1956) at 724. In the context of a large employer, "confidential" exclusions have been recognized for division or departmental officials with labor relations involvement as well as for the ultimate executive head or body of the employer. See: Edmonds School District, Decision 231 (PECB, 1977), cited with approval by the Supreme Court in Yakima, supra. Officials and department heads gave unrefuted testimony that the civil deputies give advice which is weighed and considered before a policy is set. Each elected official is on the management team for his unit's collective bargaining agreement and also is involved in administering the contract during the life of the agreement. Civil deputies thus assist and act in a confidential capacity, regarding labor relations, to these officials as "clients".

The record establishes that there is substantial cross-over and interchange between civil deputies in answering of information calls from clients regarding labor matters.<sup>1/</sup> The record shows enough contact is made between the civil deputies and their clients regarding labor relations policies to designate all the civil unit deputies and the insurance unit deputy as "confidential employees". Although the union seems to argue all the labor responsibility could be funneled through one civil deputy or that the Prosecutor could handle it himself, the Public Employment Relations Commission has rejected the idea that an employer must demonstrate a "showing of necessity" for each confidential position claimed. Wapato School Dist. No. 207, Decision 788-A (PECB, 1980). Clearly the "necessarily imply" test concerns the duties the employee performs, not the number of employees assigned confidential duties. Furthermore, where the record showed a pattern of interchange and rotation of confidential duties, the Commission has excluded all of those in the rotation from the coverage of RCW 41.56.

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<sup>1/</sup> One civil deputy testified that "there is a formal list of clients and then there's what really gets done". Another testified that there was an assigned deputy, a back-up deputy and the "pot luck" system.

Tacoma-Pierce County L.E.S.A., Decision 84-A (PECB, 1977). It would not be the Commission's place to tell the county to hire outside counsel for its labor relations legal advice.

#### Employees Claimed as Supervisors

The Chief Criminal Deputy Prosecuting Attorney and the Chief Civil Deputy Prosecuting Attorney assign work, plan layoffs, grant or deny leave requests or overtime payments, determine salary placement levels and make effective recommendations regarding hiring and firing of employees. They are directly involved with employee discipline, grievances and evaluations. They attend weekly staff meetings with Juckett where they discuss the budget, job assignments, allocation of salaries and the overall operation of the office. They both have extensive experience in their field and there is a substantial salary difference between their classification and a deputy prosecuting attorney. They are clearly supervisors and will be excluded from the rank and file unit.

The family support unit lead deputy, while managing the day-to-day activities of this sub-unit of the Civil Division, spends 75% of his time handling cases in the same manner as do the other attorneys in the unit. The record does not support a finding that the duties of this position rise to the supervisory level. The position is that of a lead worker, and will be included in the rank and file unit.

At the beginning of the hearing, the employer stipulated that all of the attorneys in the Criminal Division other than the Chief Criminal Deputy would be included in the bargaining unit. In its post-hearing brief, the employer for the first time argues that the lead deputies in the Criminal Division should be excluded from the unit as supervisors. This argument presents serious problems involving the alteration of a stipulation after the stipulation has been entered into the record and relied upon by the other party. Even if that significant due process problem were to be overlooked, there is very little reference to the Criminal Division lead attorneys in this record, and certainly not enough evidence to conclude that those individuals have supervisory status as the definition is used in labor law.

#### Method for Determining Question Concerning Representation

The union moved, under WAC 391-25-391, for the direction of a cross-check of employee-signed union authorization cards and signed employment records. The employer objected and sought an election. WAC 391-25-391 states in part:

"...where the executive director finds that the conduct of an election would unnecessarily and unduly delay the determination of the question concerning representation with little likelihood of altering the outcome, the executive director may issue a direction of cross-check..." (Emphasis added).

A supporting affidavit supplied by the union states:

"3. Due to the excessive turnover rate of the deputy prosecuting attorneys, approximately fifty percent (50%) per year, a further delay to hold an election would unduly harm the petitioner."

Precisely for the reason that there is likelihood of a 50% turnover rate since the petition was filed, there is a likelihood that the outcome of an election among the present employees would be different than the outcome of a cross-check of the records. Therefore an election will be directed.

FINDINGS OF FACT

1. Snohomish County is a public employer within the meaning of RCW 41.56.030(1).
2. The Washington State Council of County and City Employees is a bargaining representative within the meaning of RCW 41.56.030(3), and has filed a timely petition with an adequate showing of interest seeking certification as the exclusive bargaining representative of a unit of deputy prosecuting attorneys employed by Snohomish County.
3. The Office of Prosecuting Attorney in Snohomish County is divided into two divisions: Civil and criminal. The civil division has three units: family support, insurance support and civil. The parties stipulated that all deputy prosecuting attorneys in the criminal division, except the Chief Criminal Deputy, and all deputy prosecuting attorneys in the family support unit, except the lead deputy, were employees within the meaning of RCW 41.56.030(3).
4. Civil deputy prosecuting attorneys are assigned as lead counsel for 1 to 13 departments and back-up counsel for a similar number. The assignments may change two to three times a year depending on staff turnover. When Department heads or public officials have questions concerning legal matters, they call their assigned counsel. If the assigned counsel is not available, the inquiry is given to the back-up counsel. If the back-up counsel is unavailable, any other available civil deputy will be given the matter. This random inquiry assignment happens frequently. Among the

inquiries are questions concerning the county's labor relations policies. Over 30 situations regarding employment practices necessitated a written response from various civil deputies in the year prior to the filing of the petition.

5. Civil deputy prosecuting attorneys do not set the county's labor relations policy. However, they assist and advise public officials who do establish such policy. One civil deputy is known as the "employment attorney". Other civil deputies have had input to, or sat with, a bargaining team for management during contract negotiations with unions representing employees in various departments.

6. The Chief Criminal Deputy and the Chief Civil Deputy assign work, develop lay-off plans and evaluate their subordinates and effectively recommend hiring, firing and salary placements.

7. The lead deputy in the family support unit does not enjoy the same status, compensation or authority as the chief deputies, spends 25% of his time managing the day-to-day operations of the unit and 75% of his time doing case work similar to that of the other attorneys in the unit.

#### CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.

2. A unit of all full time and regular part time deputy prosecuting attorneys employed by Snohomish County, excluding elected officials, supervisors and confidential employees is an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060 and a question concerning representation exists as to said unit.

3. The Chief Criminal Deputy Prosecuting Attorney and the Chief Civil Deputy Prosecuting Attorney are supervisors whose inclusion in the same unit with the employees they supervise would create a potential for conflicts of interest.

4. Lead deputy prosecuting attorneys, deputy prosecuting attorneys in the Criminal Division and deputy prosecuting attorneys in the Civil Division - family support unit; are non-supervisory public employees within the meaning of RCW 41.56.030(2).

5. The deputy prosecuting attorneys who work in the civil and insurance units of the Civil Division have duties which imply a confidential relationship flowing from an official intimate fiduciary relationship with

the executive head of the bargaining unit or public official; therefore, these employees come within the exception of RCW 41.56.030(2) and are not public employees within the meaning of the Act.

6. The direction of an election in this matter would not unnecessarily or unduly delay the determination of the question concerning representation with the likelihood of altering the outcome.

DIRECTION OF ELECTION

An election by secret ballot shall be held under the direction of the Public Employment Relations Commission among all full time and regular part time deputy prosecuting attorneys employed by Snohomish County, excluding elected officials, supervisors and confidential employees, to determine whether a majority of said employees desire to be represented for the purposes of collective bargaining by the Washington State Council of County and City Employees or by no representative.

DATED at Olympia, Washington this 11th day of October, 1982.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director