

Southwest Snohomish County Public Safety Communications Agency, Decision 11149-C (PECB, 2013)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SNOCOM DISPATCHERS'
ASSOCIATION,

Complainant,

vs.

SOUTHWEST SNOHOMISH COUNTY
PUBLIC SAFETY COMMUNICATIONS
AGENCY,

Respondent.

CASE 23032-U-10-05868

DECISION 11149-C - PECB

DECISION OF COMMISSION

Cline & Associates, by *Christopher J. Casillas*, Attorney at Law, for the union.

Summit Law Group, P.L.L.C., by *Rodney B. Younker*, Attorney at Law, for the employer.

The SNOCOM Dispatchers' Association (union) filed an unfair labor practice complaint and three amended complaints alleging that the Southwest Snohomish County Public Safety Communications Agency (employer) made multiple unilateral changes, violated employees' *Weingarten* rights, and discriminated against the union president and vice president. Examiner Jessica J. Bradley conducted a hearing over the course of eight days and found that the employer unilaterally implemented a work rule prohibiting employees from participating in union-related discussions in the work place, violated an employee's *Weingarten* rights in an investigatory interview, and discriminated against the union president and vice president. The Examiner dismissed the remaining unilateral change and *Weingarten* allegations.¹

¹ *Southwest Snohomish County Public Safety Communications Agency, Decision 11149 (PECB, 2011).*

The employer appealed the Examiner's decision. The union filed a cross-appeal. With its appeal brief, the employer filed information in support of its appeal of the Examiner's decision. The Commission remanded the case to the Examiner to re-open the hearing to address the remedy.² The Examiner conducted two additional days of hearing and issued a decision modifying her original order.³ Upon the issuance of the decision, processing of the appeal resumed.

The Commission reviews conclusions and applications of law, as well as interpretations of statutes, de novo. We review findings of fact to determine if they are supported by substantial evidence and, if so, whether those findings in turn support the Examiner's conclusions of law. *C-Tran*, Decision 7088-B (PECB, 2002). Substantial evidence exists if the record contains evidence of sufficient quantity to persuade a fair-minded, rational person of the truth of the declared premise. *Renton Technical College*, Decision 7441-A (CCOL, 2002). Unchallenged findings of fact are accepted as true on appeal. *C-Tran*, Decision 7088-B. The Commission attaches considerable weight to the factual findings and inferences, including credibility determinations, made by its examiners. *Cowlitz County*, Decision 7210-A (PECB, 2001).

We have reviewed the 10 days of hearing transcript, the 152 admitted exhibits, the employer's brief in support of its appeal of the Examiner's decision finding the employer discriminated, the union's response brief to the employer's appeal, the union's brief in support of its cross-appeal of the Examiner's decision finding the employer did not make certain unilateral changes and did not violate employees' *Weingarten* rights, and the employer's response brief to the union's cross-appeal.

The Examiner correctly stated the legal standard. Substantial evidence supports the Examiner's findings of fact, which support the Examiner's conclusions of law. After fully considering the evidence and arguments before us, we affirm the Examiner.

NOW, THEREFORE, it is

² *Southwest Snohomish County Public Safety Communications Agency*, Decision 11149-A (PECB, 2011).

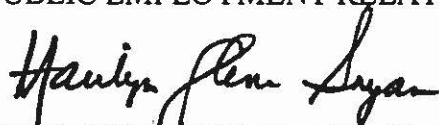
³ *Southwest Snohomish County Public Safety Communications Agency*, Decision 11149-B (PECB, 2012).

ORDERED

The Findings of Fact, Conclusions of Law, and Order issued by Examiner Jessica J. Bradley are AFFIRMED and adopted as the Findings of Fact, Conclusions of Law, and Order of the Commission.

ISSUED at Olympia, Washington, this 16th day of April, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GUENN SAYAN, Chairperson



PAMELA G. BRADBURN, Commissioner



THOMAS W. McLANE, Commissioner