

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON STATE PATROL
TROOPERS ASSOCIATION,

Complainant,

vs.

STATE – WASHINGTON STATE
PATROL,

Respondent.

CASE 26341-U-14

DECISION 12607-A - PECB

ORDER SETTING ASIDE DECISION,
GRANTING MOTION TO MODIFY,
AND REISSUING DECISION

Jeffrey Julius, Attorney at Law, Vick, Julius, McClure, P.S., for the Washington State Patrol Troopers Association.

Kari Hanson, Senior Counsel, and *Charlynn R. Hull*, Assistant Attorney General, Attorney General Robert W. Ferguson, for the Washington State Patrol.

On March 11, 2014, the Washington State Patrol Troopers Association (union) filed a complaint with the Public Employment Relations Commission alleging unfair labor practices against the Washington State Patrol (employer or WSP). A preliminary ruling was issued on March 19, 2014, stating a cause of action existed. Examiner Erin J. Slone-Gomez held a hearing on January 19, 20, 21, and 22, 2016, and the parties filed post-hearing briefs to complete the record.

On August 2, 2016, I issued *State – Washington State Patrol*, Decision 12607 (PECB, 2016). On August 11, 2016, the employer filed a motion to modify the decision under WAC 391-45-330 citing mistakes. That rule states:

The examiner may set aside, modify, change or reverse any findings of fact, conclusions of law or order, if any mistake is discovered in the decision.

(1) Action may be taken under this section on the examiner's own motion, or on a written motion filed and served by any party as required by WAC 391-08-120.

(2) Action may only be taken under this section within ten days following issuance of the decision.

(3) This section shall be inoperative after the filing of an appeal to the commission.

Consequently, on August 12, 2016, the agency asked the union to file a response to the employer's motion. I temporarily set aside the decision, and the union submitted its response on August 22, 2016. Having reviewed the motion and response, I am reissuing *State – Washington State Patrol*, Decision 12607, with the below modifications so that there is no reference to any WSP officer being "on duty while commuting."

In the fourth paragraph of the Background section and in Finding of Fact 4, the last sentence is corrected to read:

Crandall is not considered "on duty" while commuting. However, all employees of the WSP, including the Chief, are tasked with maintaining traffic safety even if they are not assigned to traffic patrol and are considered to go "on duty" if they engage in certain traffic law enforcement actions.

In the Analysis section under "*Employer's Mistaken Grant of TDL*," the second paragraph now begins with the following language:

Although the union has shown that Crandall was commuting in a WSP-provided unmarked vehicle, it did not show that Crandall went "on duty" or therefore was actively involved in "line duty" under RCW 43.43.040.

Upon reissuance of the decision, a new appeal period will begin under WAC 391-45-350.

ORDER

State – Washington State Patrol, Decision 12607, is SET ASIDE. The motion to modify the decision is GRANTED. The decision will be reissued with the above modifications.

ISSUED at Olympia, Washington, this 15th day of September, 2016.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


ERIN J. SLONE-GOMEZ, Examiner

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-45-350.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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RECORD OF SERVICE - ISSUED 09/15/2016

DECISION 12607-A - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

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CASE NUMBER: 26341-U-14

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