



UNIT CLARIFICATION PETITION

Is this an amended petition? ☒ Yes ☐ No If yes, provide the case number: 137795-C-23

PARTIES Include information for both parties.

Is this a jointly filed request? ☒ Yes ☐ No

EMPLOYER Pasco Police Department
Contact Ken Roske
Title Police Chief
Address 215 Sylvester St
City, State, ZIP Pasco, WA 99301
Phone 509-545-3421 **Ext.** _____
Email roskek@pasco-wa.gov

UNION Pasco Commanding Officers Assoc.
Contact Daniel E. Thenell
Title Attorney
Address 12909 SW 68th Parkway, Ste 290
City, State, ZIP Portland, OR 97223
Phone 503-372-6450 **Ext.** _____
Email dan@thenelllawgroup.com

BARGAINING UNIT

Number of Employees in Question _____

If a CBA exists, what is the expiration date? N/A

TYPE OF REQUEST Select ONE option.

☐ **AMEND CERTIFICATION** to change only a position title, employer name, or union name. (WAC 391-35-085)

Request Change to PERC Decision No.: _____

Describe Reason for Amendment: _____

☒ **CLARIFY BARGAINING UNIT** due to a change in employee position, status, or eligibility (WAC 391-35-020). *Select this type to add or remove employees to or from an existing bargaining unit to ensure the unit remains appropriate.*

Reasons for Clarification

In a separate document, include the following:

- The purpose of the petition and the party proposing the change.
- Any prior related decision or certification number.
- Information about each position, classification, or group at issue.
- The number of disputed employees in each position, classification, or group at issue.
- If the parties disagree about the proposed clarification.
- *If another union claims (or may claim) to represent the employees involved in the petition, the contact name, mailing address, phone number, and email address for all interested parties.*

PARTY REPRESENTATIVES If this petition is not being filed jointly, a copy must be served on the other party.

EMPLOYER

Name Ken Roske
Title Police Chief
Address 215 Sylvester Street
City, State, ZIP Pasco, WA
Phone 509-545-3421 **Ext.** _____
Email roskek@pasco-wa.gov
Signature _____ **Date** _____

UNION

Name Pasco Commanding Officers Assoc.
Title Daniel E. Thenell
Address Attorney
City, State, ZIP Portland, OR 97223
Phone 503-372-6450 **Ext.** _____
Email dan@thenelllawgroup.com
Signature _____ **Date** _____

WASHINGTON STATE LODGE FRATERNAL ORDER OF POLICE



Daniel E. Thenell

*Admitted in Oregon, Washington,
Idaho, Utah & Alaska*

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12909 SW 68th Parkway, Suite 290
Portland, Oregon 97223

P: (503) 372-6450

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November 6, 2023

206p6-2

Reasons for Clarification

A. Statement of Desire

Currently, the Pasco Commanding Officer's Association consists of all full-time and regular part-time Captains in the police department at the City of Pasco, excluding confidential employees, and all other employees. The City has created a new position, Lieutenants, and the Association seeks to add the Lieutenants to the Association.

The Pasco Commanding Officer's Association seeks to add the Lieutenants into the Association so the Captains and Lieutenants are in the same unit. The summary of the lieutenant position is to plan, organize, and supervise a section of the Police Department (Field Operations, Support Operations, and Professional Standards Division). An essential function of the Lieutenant position is to directly supervise designated portions of the Police Department as assigned. Another essential function is to assist division captain with the creation of division goals and objectives.

The summary of the police captain position is to plan, organize, and manage a law enforcement division of section of the Police Department (Support, Investigations, and Patrol). An essential function of the captain position is to manage field operations and support in the department to achieve goals within budgeted funds and available personnel.

Both Captains and Lieutenants have a position summary to supervise a section of the police department. As such, the Lieutenants have the greatest community of interest with the captains and they should be in the same unit together.

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November 6, 2023

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B. Clarification is Appropriate under WAC 391-35-020

Clarification of the unit is appropriate to include Lieutenants because the parties agree that the agency should rule on the request for clarification. *Exhibit 1*. Under WAC 391-35-020(4)(c), a position may be added to an existing bargaining unit in a clarification proceeding if: all parties to the proceeding agree the agency should rule upon the request for clarification.

Fraternally Yours,



Daniel E. Thenell

Thenell Law Group, P.C.

Washington State FOP

DET:PZ

From: [Darcie Abraham](#)
To: [Paige Chrz](#); [Darcie Abraham](#)
Cc: [Thomas Thenell](#)
Subject: FW: Case 137795-C-23 City of Pasco (Police Lieutenants)
Date: Wednesday, October 18, 2023 10:40:41 AM
Attachments: [jmaoe001.png](#)
[jmaoe002.png](#)
[jmaoe003.jpg](#)

206p6-1

From: Angela Pashon <pashona@pasco-wa.gov>
Sent: Wednesday, October 18, 2023 9:06 AM
To: Dan Thenell <dan@thenellawgroup.com>
Cc: Amy Haggerty <haggertya@pasco-wa.gov>; Paige Chrz <paige@thenellawgroup.com>; Lauren Atkin <Lauren@thenellawgroup.com>; Sara Matzen <matzens@pasco-wa.gov>; Brent Cook <COOKB@pasco-wa.gov>; Daniela Segura <segurad@pasco-wa.gov>; Adam Lincoln <lincolna@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>
Subject: RE: Case 137795-C-23 City of Pasco (Police Lieutenants)

TeamLogic IT

Warning: Sender pashona@pasco-wa.gov is not yet trusted by your organization.
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[Report Phishing](#) [Report Spam](#)

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Apologies for sending again, received a bounce back for one of the recipients which is correct now.

Thank you,

Capture



Angela Pashon
Assistant City Manager
525 N. 3rd Avenue
Pasco, WA 99301
Cell: (509) 537-5136
pashona@pasco-wa.gov

This e-mail and any response to this e-mail may be a public record under RCW 42.56 and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Angela Pashon <pashona@pasco-wa.gov>
Sent: Wednesday, October 18, 2023 9:05 AM
To: Dan Thenell <dan@thenellawgroup.com>
Cc: Amy Haggerty <haggertya@pasco-wa.gov>; Paige Chrz <paige@thenellawgroup.com>; Lauren Atkin <Lauren@thenellawgroup.com>; madzens@pasco-wa.gov; Brent Cook <COOKB@pasco-wa.gov>; Daniela Segura <segurad@pasco-wa.gov>; Adam Lincoln <lincolna@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>
Subject: RE: Case 137795-C-23 City of Pasco (Police Lieutenants)

Hello Dan,

For future correspondence and legal purposes, please make sure to use the following:

Agreements

Authorizing Official: Adam Lincoln, City Manager
Organization: City of Pasco
Address: 525 N 3rd Ave, Pasco 99301

Correspondence

Authorizing Official: Adam Lincoln, City Manager lincoln@pasco-wa.gov
Human Resources Contact: Sara Matzen matzens@pasco-wa.gov

Please reach out with any questions.

Sincerely,

Capture



Angela Pashon
Assistant City Manager
525 N. 3rd Avenue
Pasco, WA 99301
Cell: (509) 537-5136
pashona@pasco-wa.gov

This e-mail and any response to this e-mail may be a public record under RCW 42.56 and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Ken Roske <ROSKEK@pasco-wa.gov>
Sent: Tuesday, October 17, 2023 6:21 PM
To: Dan Thenell <dan@thenellawgroup.com>
Cc: Amy Haggerty <haggertya@pasco-wa.gov>; Paige Chrz <paige@thenellawgroup.com>; Lauren Atkin <Lauren@thenellawgroup.com>; Angela Pashon <pashona@pasco-wa.gov>; madzens@pasco-wa.gov; Brent Cook <COOKB@pasco-wa.gov>
Subject: Re: Case 137795-C-23 City of Pasco (Police Lieutenants)

Dan

Yes, the City of Pasco does not object.

Sent from my mobile phone. Sorry for the typos

On Oct 17, 2023, at 6:07 PM, Dan Thenell <dan@thenellawgroup.com> wrote:

[NOTICE: This message originated outside of City of Pasco -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Chief

My office checked the wrong box on the petition to clarify the commanding officers association to include LTs. Based on WAC 391-35-020, I would like to inform PERC the City of Pasco does not object to this petition and that Pasco agrees PERC should rule on this petition. Please advise.

Dan

Daniel E. Thenell
Washington State FOP
Labor Coalition
Thenell Law Group, PC
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Portland, Oregon 97223
O: (503) 372-6450
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www.thenellawgroup.com





From: de la Rosa, Dario (PERC) <Dario.deRosa@perc.wa.gov>

Sent: Tuesday, October 17, 2023 4:48 PM

To: Dan Thenell <dan@thenellawgroup.com>; Roske, Ken Cpt. (Benton/Franklin) <roskek@pasco-wa.gov>

Cc: haggertya@pasco-wa.gov

Subject: Case 137795-C-23 City of Pasco (Police Lieutenants)

On October 12, 2023, the Pasco Commanding Officers Association (union) filed a unit clarification petition concerning a bargaining unit of police captains working at the City of Pasco (employer). A copy of that petition is attached.

The union's current bargaining unit is currently described as:

All full-time and regular part-time Captains in the police department at the City of Pasco, excluding confidential employees, and all other employees.

City of Pasco, Decision 13573 (PECB, 2022). The petition purportedly seeks to "amend" the bargaining unit certification under WAC 391-35-085 to add the Lieutenant classification. The ability for a union or employer to request modification of the bargaining unit description under WAC 391-35-085 is limited. The rule states:

A party may file a petition to amend an existing certification to reflect a minor change in circumstances, such as a change of an employee organization's name or an employer's name, and the executive director may amend the certification *if the amendment does not add or remove positions from the existing bargaining unit or change the bargaining unit's configuration and there is no question concerning representation.*

(emphasis added).

It is not clear from the filing that the outcome sought by the union can be granted because the petition lacks an explanation of its purpose.

If the employer has changed the rank of the captains to lieutenant, then having the existing certification modified under WAC 391-35-085 would be appropriate because the change sought by the petition would simply reflect a minor change in circumstances, such as a change in job titles. If this is the case, the union should amend its petition and explain the minor change in circumstances and the reasons for amending the certification under WAC 391-35-085.

However, if the union seeks to add the lieutenant job class to the existing bargaining unit of captains, that change cannot be granted through the WAC 391-35-085 clarification process. As highlighted above, the amendment to certification process cannot add or remove positions from the bargaining unit. If the union is in fact seeking to add the lieutenant job class to its bargaining unit through the unit clarification process, the union should amend its petition to include a statement of the desire sought by its clarification petition and explain why clarification is appropriate under WAC 391-35-020.

I trust this explains what is needed from the union. If you have any questions, please ask.

Dario de la Rosa
Representation/Unfair Labor Practice Case Administrator
Compliance Officer
Washington State Public Employment Relations Commission
Office (360) 970-7503
Cell (360) 819-3159
dario.delarosa@perc.wa.gov

**BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION
STATE OF WASHINGTON**

Pasco Commanding Officer Assoc.

Case Number 137795-C-23

Petitioner/Complainant/Filing Party

v.

CERTIFICATE OF SERVICE

City of Pasco

Respondent/Responding Party

I certify that I served a copy of this *(title of document)* Unit Clarification Petition - amended, and Statement of Desire (Reason for Clarification)
on all parties or their counsel of record on *(date)* 11/6/2023

To:	<div>Name Ken Roske, Police Chief</div> <div>Organization Pasco Police Department</div> <div>Address 215 Sylvester Street</div> <div>City, State, ZIP Pasco, WA 99301</div> <div>Email roskek@pasco-wa.gov</div> <div>Fax</div>	<div><input checked="" type="checkbox"/> E-mail</div> <div><input type="checkbox"/> Fax</div> <div><input type="checkbox"/> Hand Delivery</div>	<div><input type="checkbox"/> First Class U.S. Mail</div> <div><input type="checkbox"/> Certified U.S. Mail</div> <div><input type="checkbox"/> Registered U.S. Mail</div>
To:	<div>Name</div> <div>Organization</div> <div>Address</div> <div>City, State, ZIP</div> <div>Email</div> <div>Fax</div>	<div><input type="checkbox"/> E-mail</div> <div><input type="checkbox"/> Fax</div> <div><input type="checkbox"/> Hand Delivery</div>	<div><input type="checkbox"/> First Class U.S. Mail</div> <div><input type="checkbox"/> Certified U.S. Mail</div> <div><input type="checkbox"/> Registered U.S. Mail</div>
To:	<div>Name</div> <div>Organization</div> <div>Address</div> <div>City, State, ZIP</div> <div>Email</div> <div>Fax</div>	<div><input type="checkbox"/> E-mail</div> <div><input type="checkbox"/> Fax</div> <div><input type="checkbox"/> Hand Delivery</div>	<div><input type="checkbox"/> First Class U.S. Mail</div> <div><input type="checkbox"/> Certified U.S. Mail</div> <div><input type="checkbox"/> Registered U.S. Mail</div>

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Date signed and submitted 11/6/2023

Print Name Daniel E. Thenell

Signature 



From: [Darcie Abraham](#)
To: [PERC, Filing \(PERC\)](#)
Cc: [Dan Thenell](#); [Paige Chrz](#)
Subject: Unit Clarification Petition, Amended #137795-C-23
Date: Monday, November 6, 2023 3:27:40 PM
Attachments: image001.png
Unit-Clarification-Petition-C-1 - Amended #137795-C-23.pdf
Statement of Desire #137795-C-23.pdf
COS - Amended Unit Clarification Petition #137795-C-23.pdf

External Email

Please note attached filing.

Thank you,

Darcie Abraham

Paralegal
12909 SW 68th Parkway #290
Portland, Oregon 97223
O: (503) 372-6450
F: (503) 372-6496



THENELL LAW GROUP, PC
OREGON ♦ WASHINGTON ♦ IDAHO ♦ ALASKA ♦ NEVADA ♦ UTAH

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