

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON FEDERATION OF STATE
EMPLOYEES

Involving certain employees of:

STATE – SOCIAL AND HEALTH
SERVICES

CASE 128520-E-16

DECISION 12686 - PSRA

CERTIFICATION
Representation Election
by Agreement of Parties

Herb Harris, PERC Specialist, for the Washington Federation of State Employees.

Laura L. Wulf, Assistant Attorney General, Attorney General Robert W. Ferguson, for
the Washington State Department of Social and Health Services.

FINDINGS OF FACT

1. The Washington Federation of State Employees filed with the Public Employment Relations Commission a petition concerning representation of employees in the Legal Assistant and Paralegal job classes at the Washington State Department of Social and Health Services. The petition was timely filed and accompanied by a showing of interest administratively determined by the Commission to be sufficient. No other organization is known to claim to represent the employees involved.
2. The existing bargaining unit represented by the Washington Federation of State Employees is described as:

All non-supervisory civil service employees of the Department of Social and Health Services in the following divisions/units: (1) DSHS Office of Appeals; (2) Economic Services Administration; (3) Aging and Adult Services Administration; (4) Children's Administration; (5) Medical Assistance Administration; (6) Division of Fraud Investigations; (7) Financial Services Administration; (8) Alcohol and Substance Abuse Division; (9) Information Systems Services Division; (10) Management Services Fiscal Office; (11) Facilities Operations Administration in the Lands and Building Division; and (12) Background Check Central Unit; excluding confidential employees, internal auditors, supervisors, Washington Management Service members, employees excluded by orders of the State Personnel Board and/or Washington Personnel Resources Board that remain in effect, and employees included in any other bargaining unit.
3. All proceedings were conducted under the supervision of the Commission in a manner designed to afford the affected employees a free choice in the selection of whether they wished

to be represented by the Washington Federation of State Employees in its existing bargaining unit. An election has been conducted by Commission staff and a tally of the results previously furnished to the parties is attached hereto, and no meritorious objections have been filed with respect to these proceedings.

4. The existing bargaining unit represented by the Washington Federation of State Employees shall be modified to include the employees in the Legal Assistant and Paralegal job classes for a bargaining unit described as:

All non-supervisory civil service employees of the Department of Social and Health Services in the following divisions/units: (1) DSHS Office of Appeals; (2) Economic Services Administration; (3) Aging and Adult Services Administration; (4) Children's Administration; (5) Medical Assistance Administration; (6) Division of Fraud Investigations; (7) Financial Services Administration; (8) Alcohol and Substance Abuse Division; (9) Information Systems Services Division; (10) Management Services Fiscal Office; (11) Facilities Operations Administration in the Lands and Building Division; and (12) Background Check Central Unit; excluding confidential employees, internal auditors, supervisors, Washington Management Service members, employees excluded by orders of the State Personnel Board and/or Washington Personnel Resources Board that remain in effect, and employees included in any other bargaining unit.

CONCLUSIONS OF LAW

1. The unit described in Finding of Fact 4 is an appropriate unit for the purpose of collective bargaining within the meaning of RCW 41.80.070.
2. All conditions precedent to a certification have been met.

CERTIFICATION

The employees in the Legal Assistant and Paralegal job classes at the Washington State Department of Social and Health Services have chosen the

WASHINGTON FEDERATION OF STATE EMPLOYEES

as their representative for the purpose of collective bargaining with their employer.

ISSUED at Olympia, Washington, this 4th day of May, 2017.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MICHAEL P. SELLARS, Executive Director



TALLY OF ELECTION

PUBLIC EMPLOYMENT RELATIONS COMMISSION

PO Box 40919, Olympia, WA 98504
360.570.7300 | www.perc.wa.gov

Case Number 128520-E-16 Employer State - Social and Health Services

The Public Employment Relations Commission has conducted an election of ballots cast and certifies the results as follows:

- | | | |
|--|--|----------|
| 1. Number of Eligible Voters | | <u>7</u> |
| 2. Void Ballots | | <u>0</u> |
| 3. Votes Cast for | <u>Washington Federation of State Employees</u> | <u>5</u> |
| 4. Votes Cast for | | |
| 5. Votes Cast for | | |
| 6. Votes Cast for | <u>NO REPRESENTATION</u> | <u>2</u> |
| 7. Valid Ballots Counted (Total of Lines 3-6) | | <u>7</u> |
| 8. Challenged Ballots Cast | | <u>0</u> |
| 9. Total Ballots Cast (Total of Lines 7-8) | | <u>7</u> |
| 10. Number of Valid Ballots Needed to Determine Election | | <u>4</u> |
| 11. Eligibility Challenges: | <input type="checkbox"/> Affect the results of the election
<input checked="" type="checkbox"/> Do not affect the outcome of the election | |
| 12. The results are: | <input type="checkbox"/> Undetermined, requiring a run-off election
<input checked="" type="checkbox"/> In favor of line 3 listed above | |

Date Issued: April 17, 2017

By: [Signature]

Acknowledgement of Observers

The undersigned acted as authorized observers for the parties and acknowledge service of a copy of this tally. Those not present will be mailed a copy.

For Employer	<u>Margaret Pule</u>	Title	<u>Labor Relations Spec</u>	Date	<u>4/17/17</u>
For Line 3	<u>[Signature]</u>	Title	<u>COORDINATOR OF PERC ACTIVITY</u>	Date	<u>4/17/17</u>
For Line 4		Title		Date	
For Line 5		Title		Date	
For Decertification		Title		Date	



**PUBLIC EMPLOYMENT RELATIONS
COMMISSION**

NOTICE

**INVESTIGATION STATEMENT
TO BE POSTED FOR SEVEN DAYS**

RE: State – Social and Health Services
Case 128520-E-16
Filed October 28, 2016

DATE: March 23, 2017

An investigation conference was held by electronic mail. The participants were:

Herb Harris, on behalf of the petitioner, Washington Federation of State Employees.
Laura Wulf and John Jaquish, on behalf of the employer, the Department of Social and Health Services.
Dario de la Rosa, on behalf of the Commission.

This statement is issued pursuant to WAC 10-08-130 to state the stipulations made by the parties at the Investigation Conference and to control the subsequent course of proceedings. WAC 391-25-220 requires posting of this statement on the employer's premises for a period of at least seven days.

1. The following matters were resolved during the course of the conference:
 - a. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.80 RCW.
 - b. The petitioner, Washington Federation of State Employees, is a lawful labor organization qualified to act as bargaining representative under RCW 41.80.005(9).
 - c. The Representation Petition was timely filed.
 - d. None of the parties claim that an unfair labor practice charge has been filed that should be treated as a blocking charge.
 - e. The petitioner is seeking to include 7 employee(s) in the Legal Assistant and Paralegal job classes working at the Department of Social and Health Services into its existing supervisory Economic and Social Services bargaining unit.

- f. The existing bargaining unit is currently described as:

All nonsupervisory civil service employees of the Department of Social and Health Services in the following divisions/units: (1) DSHS Office of Appeals; (2) Economic Services Administration; (3) Aging and Adult Services Administration; (4) Children's Administration; (5) Medical Assistance Administration; (6) Division of Fraud Investigations; (7) Financial Services Administration; (8) Alcohol and Substance Abuse Division; (9) Information Systems Services Division; (10) Management Services Fiscal Office; (11) Facilities Operations Administration in the Lands and Building Division; and (12) Background Check Central Unit; excluding confidential employees, internal auditors, supervisors, Washington Management Service members, employees excluded by orders of the State Personnel Board and/or Washington Personnel Resources Board that remain in effect, and employees included in any other bargaining unit.

If the Legal Assistant and Paralegal job classes are included in that unit, the description will remain the same.

The parties also agree that the work performed by the Legal Assistants and Paralegals can be considered shared work with the Attorneys who work with those employees. The Attorneys working with the Legal Assistants and Paralegals are members of the Washington Management Service and cannot be included in any bargaining unit. The attorneys could, on any given day, may at times perform some work that would otherwise be considered bargaining unit work, including but not limited to opening and organize files, scheduling witness interviews and hearings, drafting correspondence to courts or other attorneys, drafting legal memoranda, checking legal citations, preparing or responding to discovery requests, and responding to public disclosure requests.

The parties' agreement that the work performed by Legal Assistants, Paralegals, and Attorneys is shared work does not waive the Washington Federation of State Employees right to request bargaining over mandatory subjects of bargaining or the effects of management decisions that impact mandatory subjects.

A copy of this Investigation Statement shall remain appended to any certification issued as a result of the election conducted under paragraph 2 of this statement.

- g. The correct eligibility list is the list dated March 1, 2017, sent via e-mail. To be eligible, an employee must have been employed in the bargaining unit on March 23, 2017, and must remain an employee on the date of the tally.

2. An election will be conducted by mail ballot, to determine the question concerning representation. The ballots will be mailed on March 31, 2017, with a return date of April 14, 2017, by 5:00 p.m. and will be tallied at the Commission's Olympia Office at 9:00 a.m. on April 17, 2017.
3. The following matters remain in dispute between the parties:

None

Any objections to the foregoing must be filed at the Olympia office of the Commission, in writing, within 10 days following the date of this statement and shall, at the same time, be served upon each of the other participants named above. This statement becomes part of the record in this case as binding stipulations of the parties, unless modified for good cause by a subsequent order.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



By: _____
DARIO DE LA ROSA, Representation Case Administrator

COPIES OF THIS STATEMENT AND THE ATTACHED ELIGIBILITY LIST ARE TO BE POSTED BY THE EMPLOYER IN CONSPICUOUS PLACES ON ITS PREMISES WHERE NOTICES TO EMPLOYEES ARE USUALLY POSTED FOR AT LEAST SEVEN DAYS.

ELIGIBILITY LIST

**CASE 128520-E-16
STATE – SOCIAL AND HEALTH SERVICES**

1. CARLA PERKINS
2. LILLY SAVCHUK
3. LISA HUDGINS
4. MARSHALL, JAMIE
5. MESSINGER, MICHAEL
6. SEELEY, JEAN
7. WILLIAMS, ANACLETA



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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MARILYN GLENN SAYAN, CHAIRPERSON
MARK E. BRENNAN, COMMISSIONER
MARK R. BUSTO, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 05/04/2017

DECISION 12686 - PSRA has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: VANESSA SMITH

CASE NUMBER: 128520-E-16

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