

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
)
SERVICE EMPLOYEES INTERNATIONAL)
UNION, LOCAL 925) CASE 20834-E-06-3211
)
For clarification of existing) DECISION 9592 - PSRA
bargaining units of employees of:)
) ORDER MERGING
UNIVERSITY OF WASHINGTON) BARGAINING UNITS
)
)
)

Theiler, Drachler, Douglas, McKee, by *Martha Barron*,
Attorney at Law, and *Michael Laslett*, Higher Education
Director, for the union.

Lou Pisano, Director of Labor Relations, for the em-
ployer.

On December 26, 2006, Service Employees International Union, Local 925 (union), filed a petition with the Public Employment Relations Commission under WAC 391-25-426, concerning certain employees of the University of Washington (employer). The union sought to merge the preservation museum specialists into an existing bargaining unit of nonsupervisory employees of this employer. An investigation conference was conducted on February 8, 2007, by Representation Coordinator Sally Iverson.

ISSUE

Would a merged unit encompassing the two existing nonsupervisory units at the University of Washington constitute an appropriate bargaining unit?

The Executive Director accepts the information and stipulations presented by the parties, acting under WAC 391-25-426, merges the historical bargaining units into one unit.

APPLICABLE LEGAL PRINCIPLES

The Personnel System Reform Act of 2002 (PSRA) has various effective dates. A new collective bargaining system for state civil service employees is codified in Chapter 41.80 RCW, of which one section that took effect on June 13, 2002, is pertinent here:

RCW 41.80.070 BARGAINING UNITS - CERTIFICATION.

(1) A bargaining unit of employees covered by this chapter existing on June 13, 2002, shall be considered an appropriate unit, unless the unit does not meet all the requirements of (a) and (b) of this subsection. The commission, after hearing upon reasonable notice to all interested parties, shall decide, in each application for certification as an exclusive bargaining representative, the unit appropriate for certification. In determining the new units or modification of existing units, the commission shall consider: the duties, skills and working conditions of the employees; the history of collective bargaining; the extent of organization among the employees; the desires of the employees; and *the avoidance of excessive fragmentation. . . .*

. . . .
(3) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the *units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate.* If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit.

(emphasis added). The Commission adopted a special rule to implement that statutory provision as follows:

WAC 391-25-426 SPECIAL PROVISION--STATE CIVIL SERVICE EMPLOYEES. An employee organization that represents two or more bargaining units of state civil service employees may obtain a merger of those units by filing a petition under WAC 391-25-420(2)(a). If the merged unit is found to be appropriate under WAC 391-25-420(2)(c)(i) and (ii), the employee organization shall be certified as exclusive bargaining representative without need for unit determination elections.

In essence, the special rule eliminates the need for concurrent unit determination elections to validate the merger of separately-organized bargaining units.¹

ANALYSIS

The union represents several bargaining units of employees of this employer. This case involves two separate bargaining units that were organized at different times:

- All nonsupervisory civil service employees of the University of Washington performing technical, administrative, office-clerical, and support functions in the employer's academic and medical areas of operation, excluding confidential employees, internal auditors, supervisors, and employees included in any bargaining unit. *University of Washington*, Decision 8464 (PSRA, 2004), reflects the merger of eight historically

¹ WAC 391-25-420 allows mergers of bargaining units where the proposed merged unit is an appropriate unit under the applicable statute. The conclusion about the propriety of the merged unit can be based on evidence produced at a hearing under WAC 391-25-420(2)(c)(i), or can be based on the parties' stipulation to a unit that is appropriate on its face under WAC 391-25-420(2)(c)(ii). The general rule then requires ratification by employees in unit determination elections in WAC 391-25-420(2)(d), which are omitted from WAC 391-25-426.

separate bargaining units into an existing nonsupervisory unit.

- All full-time and regular part-time preservation museum specialists of the University of Washington, excluding supervisors, confidential employees, casual employees and all other employees. *University of Washington, Decision 9455-A (PSRA, 2006).*

These were among more than 180 separate bargaining units that existed among state civil service employees when the PSRA was enacted.

The "fragmentation" and "merger" components of RCW 41.80.070 can be presumed to reflect legislative concern about the existence of bargaining units that are similar to one another. By the stipulations now before the Executive Director, the parties seek to have two bargaining units of nonsupervisory employees merged under WAC 391-25-426. The parties have submitted information and stipulations which satisfy the requirements of WAC 391-25-420(2)(c)(ii), and nothing has come to the attention of the Commission staff or Executive Director that contradicts the propriety of the action requested by the parties. In this case, the merger of bargaining units addresses the "fragmentation" component of the statutory unit determination criteria and implements the statutory endorsement of merging historical bargaining units.

FINDINGS OF FACT

1. The University of Washington is an institution of higher education of the state of Washington, and is an employer within the meaning of RCW 41.80.005(10).

2. The Service Employees International Union, Local 925, an employee organization within the meaning of RCW 41.80.005(7), is the exclusive bargaining representative of two separate bargaining units of nonsupervisory employees of the University of Washington.
3. The parties have stipulated that the nonsupervisory employees in the historical bargaining unit and preservation museum specialists have similar duties, skills and working conditions, and share a community of interest.
4. No facts have been discovered or brought to the attention of the Executive Director which call into question the propriety of the proposed merger described in these findings of fact.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.80 RCW and WAC 391-25-426.
2. The merger of the bargaining units described in paragraph 3 of the foregoing findings of fact will result in an appropriate unit for the purposes of collective bargaining under RCW 41.80.070, implementing the fragmentation and merger components of that section.

ORDER

1. The historical bargaining units shall be merged into one bargaining unit described as follows:

All non-supervisory civil service employees of the University of Washington performing technical, administrative, office-clerical, and support functions in the

employer's academic and medical areas of operation, excluding confidential employees, internal auditors, supervisors, and employees included in any other bargaining unit.

2. The Service Employees International Union, Local 925, shall continue to be the exclusive bargaining representative of all employees in the merged unit.

ISSUED at Olympia, Washington, on this 2nd day of March, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-25-660.