

tions, issues and concerns and requested reconsideration of its petition for a separate unit of maintenance and grounds employees.

APPLICABLE LEGAL PRINCIPLES

RCW 41.56.060 states:

Determination of Bargaining Unit - Bargaining Representative. (1) The Commission, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the Commission shall consider duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees. The commission shall determine the bargaining representative by: (a) Examination of organization membership rolls; (b) comparison of signatures on organization bargaining authorization cards; or (c) conducting an election specifically therefor.

(2) For classified employees of school districts and educational service districts:

(a) Appropriate bargaining units existing on July 24, 2005, **may not be divided into more than one unit without the agreement of the public employer and the certified bargaining representative of that unit;** and (b) In making bargaining unit determinations under this section, the commission must consider, in addition to the factors listed in subsection (1) of this section, the avoidance of excessive fragmentation.

(emphasis by bold added)

ANALYSIS

The current collective bargaining agreement between the employer and AFT describes the bargaining unit as all classified employees in the following general job classifications: custodial, grounds, maintenance, warehouse, utility drivers, print shop and transportation shop.

The petitioner is seeking to change representation for only the maintenance and grounds employees of this employer. The AFT notified the Commission by telephone on July 6, 2007, that it did not agree with the petitioner's request to sever the maintenance and grounds employees from the historically larger unit. To date, the employer has not stated a position in the matter.

CONCLUSION

RCW 41.56.060(2) prohibits the bargaining unit from being divided without the consent of both parties. Due to the exclusive bargaining representative stating its position against dividing the bargaining unit, this petition must be dismissed.

NOW, THEREFORE, it is

ORDERED

The petition for investigation of a question concerning representation filed in the above-captioned matter is DISMISSED.

Issued at Olympia, Washington, on the 8th day of August, 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.