

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
AMERICAN FEDERATION OF TEACHERS	)	CASE 21807-E-08-3374
	)	
Involving certain employees of:	)	DECISION 10157 - PECB
	)	
COMMUNITY COLLEGE DISTRICT 20	)	ORDER TO SHOW CAUSE
(CLOVER PARK TECHNICAL COLLEGE)	)	
	)	
_____	)	

On June 27, 2008, American Federation of Teachers (petitioner) filed a petition seeking to represent certain employees of the Clover Park Technical College (employer). The petitioner sought a bargaining unit described in the petition as:

All full-time and regular part-time exempt employees of Clover Park Technical College, excepting those excluded by statute, RCW 41.56.

An investigation conference was conducted on July 30 and August 5, 2008. At the conclusion of the investigation conference, the parties disagreed whether the Commission has jurisdiction over the proposed bargaining unit. The employer argued that the Commission does not have jurisdiction in this case.

The employer explained its position by reviewing several sections of Chapter 41.56 RCW. RCW 41.56.024 was enacted to extend collective bargaining rights to classified employees of technical colleges. RCW 41.56.021 extended collective bargaining rights to certain exempt employees of institutions of higher education. The employer noted that RCW 41.56.030(8) defines "institutions of higher education" as:

the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

Given these legislative enactments, the employer argued that the Legislature did not extend collective bargaining rights to exempt employees of technical colleges. The employer concluded by arguing that the Commission could not accept jurisdiction over the proposed bargaining unit without legislative direction, and such direction was not present.

The petitioner argued that the Commission has jurisdiction in this case. The petitioner maintained that the Legislature intended to cover technical colleges in its extension of collective bargaining rights to exempt employees, and that RCW 41.56.024 shows a legislative intent to cover technical colleges in Chapter 41.56 RCW.

It appears that there is a serious question as to whether the Commission has jurisdiction over the exempt employees of technical colleges.<sup>1</sup> While RCW 41.56.024 extends collective bargaining rights to classified employees of technical colleges, RCW 41.56.021 grants bargaining rights only to exempt employees of specific public employers, namely "institutions of higher education" as defined in RCW 41.56.030(8). That statute refers to "community colleges" but does not refer to technical colleges. Chapter 41.56 RCW has been amended on numerous occasions to grant discrete groups of public employees collective bargaining rights. It appears that

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<sup>1</sup> While this decision is listed as "PECB", which stands for formal title of Chapter 41.56 RCW (the Public Employee Collective Bargaining Act), the use of this term is only for Commission docketing purposes and must not be construed as a grant of jurisdiction under that statute.

such an amendment may be necessary to accomplish the representational goals sought by the petitioner in this case. Absent clear legislative history that would include technical colleges within the meaning of "community colleges," it appears that the petition must be dismissed.

ORDER

Based on the foregoing, the petitioner is directed to show cause why the instant petition should not be dismissed. The petitioner must file its response to this Order to Show Cause on or before August 22, 2008. The employer may also file its position concerning the direction to show cause by August 22, 2008.

Dated at Olympia, Washington, this 8<sup>th</sup> day of August, 2008.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

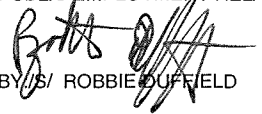
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PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
BY: /s/ ROBBIE DUFFIELD

CASE NUMBER: 21807-E-08-03374 FILED: 06/27/2008 FILED BY: PARTY 2  
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BAR UNIT: PROFESSIONAL  
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COMMENTS:

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