

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
WASHINGTON PUBLIC EMPLOYEES	)	CASE 18730-C-04-1212
ASSOCIATION	)	
	)	DECISION 8787 - PSRA
For clarification of an existing	)	
bargaining unit of employees of:	)	
	)	ORDER CLARIFYING
WASHINGTON STATE - LIQUOR CONTROL	)	BARGAINING UNIT
	)	

*Herb Harris*, Organizer, for the union.

*Mickie Patterson*, Labor Relations Manager, for the employer.

On July 28, 2004, the Washington Public Employees Association (union) filed a unit clarification petition with the Public Employment Relations Commission, concerning certain employees of the Washington State Liquor Control Board (employer).<sup>1</sup> The union and employer have historically had bargaining relationships for two bargaining units: (1) a unit primarily composed of liquor store managers; and (2) a unit primarily composed of warehouse workers. The union initially sought to have an electrician classification added to the warehouse unit. Hearing Officer Joel Greene conducted pre-hearing conferences with the parties, by telephone conference calls on August 23 and September 13, 2004, whereupon the parties entered stipulations on the position initially at issue and related positions.

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<sup>1</sup> The employer is a state agency responsible for the oversight, sale, and distribution of alcoholic beverages in the state of Washington.

Acting under WAC 391-35-020, the Executive Director modifies the historical liquor store managers bargaining unit to consist only of supervisory employees. The Executive Director also modifies the historical warehouse bargaining unit to include non-supervisory crafts employees, including some employees previously in the liquor store managers bargaining unit.

### ISSUE

Should the Executive Director accept stipulations, by which the parties seek to appropriately align the two historical bargaining units to conform with current statutory provisions requiring separation of supervisory and non-supervisory employees?

### ANALYSIS

The determination and modification of appropriate bargaining units of state civil service employees is now a function delegated by the Legislature to the Public Employment Relations Commission. RCW 41.06.340; 41.80.070. In past cases when parties have stipulated to modify bargaining units to conform with statutory changes, the Commission has dispensed with a full hearing process. *Benton County*, Decision 2221 (PECB, 1985); *Cowlitz County*, Decision 5008 (PECB, 1995) (dividing historical department-wide units in sheriff's departments after the law enforcement officers became eligible for interest arbitration); *King County*, Decision 6668 (PECB, 1999) (dividing historical units to reflect the eligibility of public transit employees for interest arbitration).

RCW 41.80.070 took effect in 2002, as part of the Personnel System Reform Act of 2002 (PSRA). The PSRA defines "supervisor" and RCW

41.80.070 explicitly requires that supervisors be placed in bargaining units separate and apart from non-supervisory employees.

The processing of this case is greatly simplified by the parties' agreement that the historical bargaining unit configurations, which were created under different statutory provisions than those now in effect, must be modified to conform to the current statute.

#### FINDINGS OF FACT

1. The Washington State Liquor Control Board is a general government agency of the state of Washington within the meaning of RCW 41.80.005(1).
2. The Washington Public Employees Association is an employee organization within the meaning of RCW 41.80.005(7).
3. The parties have had a bargaining relationship concerning a bargaining unit primarily composed of supervisory employees (liquor store managers), which was described by the Washington Personnel Resources Board on September 1, 1995, in RU-361. That unit historically included non-supervisory crafts positions such as carpenters, electricians, and general repairers.
4. The parties have had a bargaining relationship concerning a bargaining unit primarily composed of non-supervisory employees (warehouse workers), which was described by the Washington Personnel Resources Board on June 7, 2001, in RU-575.
5. The employer and union stipulated in this proceeding that the historical bargaining unit configuration is not appropriate under RCW 41.80.070, and that the historical bargaining units

should be clarified to ensure separation of supervisors from non-supervisory employees.

6. No other facts have been discovered or brought to the attention of the Executive Director which call into question the propriety of the stipulations described in paragraph 5 of 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 391-35-020.
2. The bargaining unit historically known as the liquor store managers bargaining unit is inappropriate under RCW 41.80.070, because it mixes supervisors and non-supervisory employees.
3. The parties' stipulation to modify the historical bargaining units conforms with RCW 41.80.070(1)(a).

#### ORDER


The descriptions of the two bargaining units of Liquor Control Board employees represented by the Washington Public Employees Association shall be modified, as follows:

1. Supervisory bargaining unit: All liquor store managers, excluding confidential employees, Washington Management Service employees, and all other employees.
2. Non-supervisory bargaining unit: All operations and maintenance employees at the employer's distribution center and all store development employees, excluding confidential employees,

supervisors, Washington Management Service employees, loss prevention employees, and office-clerical and technical support employees.

ISSUED at Olympia, Washington, on this 2<sup>nd</sup> day of December, 2004.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency on the issue addressed unless a notice of appeal is filed with the Commission under WAC 391-35-210.