

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
COLUMBIA BASIN COLLEGE ASSOCIATION)	CASE 20552-C-06-1278
OF HIGHER EDUCATION, AFFILIATED)	
WITH WASHINGTON EDUCATION)	DECISION 9668 - CCOL
ASSOCIATION)	
)	
For clarification of an existing)	
bargaining unit of employees of:)	
)	
COMMUNITY COLLEGE DISTRICT 19 -)	ORDER CLARIFYING
COLUMBIA BASIN)	BARGAINING UNIT
_____)	

Eric R. Hansen, Attorney at Law, for the union.

*Robert McKenna, Attorney General, by Terrance J. Ryan,
Assistant Attorney General, for the employer.*

On July 31, 2006, the Columbia Basin College Association of Higher Education (union), affiliated with the Washington Education Association, filed a petition for clarification of an existing bargaining unit with the Public Employment Relations Commission under WAC 391-35-020, proposing to accrete the class of Educational Planners to an existing bargaining unit of academic employees of the Columbia Basin College (employer). The employer is an institution of higher education, and the union represents a unit of approximately 419 instructors, counselors, librarians, and any other non-administrative employees who have academic responsibilities and work for this employer. There are approximately three Educational Planners.

Hearing Officer Carlos R. Carrión-Crespo conducted an investigation conference on November 28, 2006, during which the parties requested time to present stipulations concerning the proposed accretion. The parties submitted stipulations on March 30, 2007.

The Executive Director accepts the stipulations and information presented by the parties and, acting under WAC 391-35-190(1), modifies the existing bargaining unit to include the petitioned-for position.

ANALYSIS

Applicable Legal Standards

The Legislature has delegated the determination and modification of appropriate bargaining units of employees of higher education employers to the Public Employment Relations Commission. RCW 28B.52.080. Bargaining units under the statute cover all academic employees of the employer, which includes "any teacher, counselor, librarian, or department head, who is employed by any college district, whether full or part time, with the exception of the chief administrative officer of, and any administrator in, each college district." RCW 28B.52.020(7).

The Commission may add employees or positions to an existing bargaining unit in a unit clarification proceeding if the petitioner files a petition within a reasonable time period after the change in circumstances. WAC 391-35-020(4)(a). The Executive Director shall determine, upon the record, "the status of each position, classification or group of employees over which there is a disagreement and issue an order clarifying bargaining unit." WAC 391-35-190(1).

Application of Standards

The basis for the petition was the March 2006 amendment to the employer's Administrative Policy 4-020 that set forth changes in its educational advising program specifically related to the position of Educational Planner. There is no dispute regarding the changed circumstances.

The parties have submitted information and stipulations regarding the status as academic employees of the Educational Planners. The stipulations describe the duties of the Educational Planners and those of the Counselors, which are the employees in the current bargaining unit whose duties most closely resemble, or in some instances overlap, the duties of the Educational Planners. The stipulations further state that the parties agree that the academic bargaining unit is the most appropriate for the Educational Planners. These stipulations satisfy the requirements of WAC 391-35-020(7). The accretion of one class of employees to a bargaining unit encompassing all other academic employees satisfies the requirement that all academic employees be covered in one bargaining unit.

Nothing has come to the attention of the Executive Director that contradicts the propriety of the accretion requested in this case.

FINDINGS OF FACT

1. The Columbia Basin College is a community college covered by Chapter 28B.52 RCW.
2. Columbia Basin College Association of Higher Education, affiliated with the Washington Education Association, is an

"exclusive bargaining representative" within the meaning of RCW 28B.52(7), and is the exclusive bargaining representative of academic employees of the employer as defined in RCW 28B.52(2).

3. In March 2006, Columbia Basin College amended its Administrative Policy 4-020 to change its educational advising program specifically related to the position of Educational Planner.
4. The employer and the union have stipulated that the bargaining unit described in paragraph 2 of these findings of fact is the most appropriate bargaining unit to include the class of Educational Planners.
5. Accretion of the Educational Planners into the bargaining unit described in paragraph 3 of these findings of fact will satisfy the statutory requirement that all academic employees be covered in one bargaining unit.
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 these findings of fact.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 28B.52 RCW and WAC 391-35-020.
2. The existing bargaining unit is an appropriate unit for the purposes of collective bargaining under RCW 28B.52.020(8) for

accretion of the class of employees described in paragraph 4 of the foregoing findings of fact.

ORDER

1. The description of the bargaining unit involved in this proceeding is modified to include the class of Educational Planners.
2. The Educational Planners classification is accreted into the bargaining unit at issue in this proceeding.

ISSUED at Olympia, Washington, on this 2nd day of May, 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 391-35-210.