

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
WASHINGTON FEDERATION OF STATE)	CASE 20551-C-06-1277
EMPLOYEES)	
)	DECISION 9859 - PSRA
For clarification of an existing)	
bargaining unit of employees of:)	ORDER MODIFYING
)	BARGAINING UNIT
WASHINGTON STATE - TRANSPORTATION)	DESCRIPTION
)	
)	

Gladys Burbank, Director of Activities, for the union.

Ann G. Mitchell, Labor Relations Specialist, for the employer.

On July 31, 2006, the Washington State Department of Transportation (employer) and the Washington Federation of State Employees (union) jointly filed a unit clarification petition with the Public Employment Relations Commission under Chapter 391-35 WAC. The petition involves certain supervisory employees of the employer's Highway Maintenance Division working in the classifications of Plant Manager 1 and 2.

The parties jointly petitioned to include these two classifications in the bargaining unit's description. They agree that the two classifications had been inadvertently left out of the unit description when the unit was clarified by the Commission in 2004 to separate the supervisory from the non-supervisory classifications under the provisions of WAC 391-35-026.

ISSUE PRESENTED

Should the Plant Manager 1 and 2 classifications be included in the description of the Maintenance Supervisors bargaining unit?

ANALYSIS

The determination and modification of appropriate bargaining units under the Personnel System Reform Act of 2002 (PSRA) is a function delegated by the Legislature to the Commission. RCW 41.80.070. Prior to the passage of the PSRA, the Washington Personnel Resources Board (WPRB) had jurisdiction to modify bargaining units under WAC 356-42-020. The WPRB took such action regarding the Highway Maintenance bargaining unit in two previous cases, RU-541 and RU-606. The Commission has previously modified this bargaining unit in *State - Transportation*, Decision 8364, issued on January 22, 2004, ordering the division of the bargaining unit into supervisory and non-supervisory units.

The employer and union filed stipulations with the Commission on June 25, 2007, in which they agreed that these positions were believed to have been included in the bargaining unit described in Decision 8364. They further stipulated: that the historical unit has existed since at least 1968; that the employees in the Plant Manager 1 and 2 job classifications supervise employees in the Department of Transportation Maintenance Non-supervisors bargaining unit, as do other employees currently included in the Maintenance Supervisors bargaining unit; that the Plant Managers share similar duties, skills, and working conditions to the existing employees in the unit; and that the Maintenance Supervisors bargaining unit is the only appropriate unit for these positions.

The parties also stipulated that the WPRB case RU-541 modification of the Highway Maintenance bargaining unit, issued July 19, 1999, included the statement: *In addition: Classifications associated with highway maintenance functions and having duties and responsibilities equivalent or equal to Classifications assigned to the Unit which are created or to which bargaining unit positions are allocated or reallocated shall be included in the Unit automatically, and that this statement was inadvertently left out of the Board order in subsequent case RU-606, issued June 2, 2002.*¹ The parties have filed this action to correct an oversight regarding these two positions.

CONCLUSION

Based on the facts presented, the Executive Director takes this action to correct an inadvertent error and orders the inclusion of the classifications of Plant Manager 1 and 2 in the Department of Transportation Highway Maintenance Supervisors bargaining unit.

FINDINGS OF FACT

1. The State of Washington is an employer within the meaning of RCW 41.80.005(8).

¹ The provisions of RCW 41.80.070 required that bargaining units in existence on June 13, 2002, be considered appropriate units (subject to division into separate supervisory and non-supervisory units). The unit description and accompanying statement are accepted in the present order because this situation involves correction of an inadvertent error in the unit description in existence on June 2, 2002. Any future modification of this bargaining unit will be made in accordance with the statutory unit determination criteria then in existence.

2. The Washington State Department of Transportation is a general government agency within the meaning of RCW 41.80.005(1).
3. The Washington Federation of State Employees is an employee organization within the meaning of RCW 41.80.005(7).
4. On January 22, 2004, the Executive Director divided the historical unit by unit clarification to establish a separate supervisory unit in Decision 8364, described as: All supervisory civil service employees of the Department of Transportation performing the functions of highway maintenance, excluding confidential employees, internal auditors, non-supervisory employees, Washington Management Service employees (on and after July 1, 2004), employees in other bargaining units and employees historically excluded from the unit by orders of the Washington Personnel Resources Board or its predecessors.
5. The Washington Federation of State Employees is the exclusive bargaining representative of the bargaining unit referenced in Finding of Fact 4.
6. On July 31, 2006, the employer and the union jointly filed a unit clarification petition requesting to include the classifications of Plant Manager 1 and 2 in the bargaining unit description, as they were inadvertently left off the list of classifications in Decision 8364.
7. The parties have stipulated that the Plant Managers share similar duties, skills, and working conditions to the existing employees in the unit and that they supervise employees in the Department of Transportation Highway Maintenance non-super-

visory bargaining unit, as do other employees currently included in the supervisory unit.

8. No other facts have been discovered or brought to the attention of the Executive Director which call into question the propriety of the inclusion of these classifications into the unit described in Finding of Fact 4.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.80 RCW and Chapter 391-35 WAC.
2. The certification in *State - Transportation*, Decision 8364 (PSRA, 2004), is amended to include the titles of Plant Manager 1 and 2 in the list of classifications included in the bargaining unit.

NOW, THEREFORE, it is

ORDERED

The description of the Department of Transportation Highway Maintenance bargaining unit is hereby modified to include the job classifications of Plant Manager 1 and 2.

ISSUED at Olympia, Washington, this 19th day of September, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director

Since this action is taken to correct an oversight, the parties have waived, by stipulation, their right to appeal under WAC 391-35-210.