

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
WASHINGTON PUBLIC)	
EMPLOYEES ASSOCIATION)	CASE 20261-C-06-1262
)	
For clarification of an existing)	DECISION 9390-A - PSRA
bargaining unit of employees of:)	
)	
WASHINGTON STATE - AGRICULTURE)	ORDER CLARIFYING
)	BARGAINING UNIT
_____)	

Herb Harris, Organizer, for the union.

Glen Christopherson, Labor Negotiator, for the agency.

On March 9, 2006, the Washington Public Employees Association (union) filed a unit clarification petition involving certain non-supervisory employees of the State of Washington (employer) who are employed at the Department of Agriculture (agency). As required by the State Civil Service Law, Chapter 41.06 RCW, the Washington State Department of Personnel (DOP) reduced and changed many job titles in the state civil service job classification system. Employees with new job titles perform the same work they performed under their old job titles.

After what is commonly referred to as a "crosswalk" of employees from their old job titles to their new job titles, the union filed its petition to amend the description of the bargaining to reflect DOP's revised job titles. The existing language describing the bargaining unit is as follows:

All employees in the Food Safety, Animal Health, and Consumer Services Division who are employed in the classification of: Food Safety Officer 1, 2, 3.

All employees in the Pesticide Management Division located in Eastern Washington who are in the classification of: Agriculture Chemical Specialist 1, 2, 3.

All employees in the Chemical and Hop Laboratory in the Yakima Laboratory Services Division who are employed in the classifications of: Chemist 1, 2, 3; Laboratory Technician 1, 2; Laboratory Assistant; Office Assistance Senior; Office Assistant.

The employer and union stipulated to the following description of the bargaining unit:

All non-supervisory employees who perform food safety duties within the Food Safety Program of the Food Safety and Consumer Services Division excluding: Washington Management Service, supervisors, confidential, and exempt employees.

All non-supervisory employees who perform Agricultural Chemical Specialist duties and who are employed in the Pesticide Management Division in Eastern Washington excluding: Agricultural Chemical Specialist Seniors, Washington Management Service, supervisors, confidential, and exempt employees.

All non-supervisory employees of the Yakima Chemistry Program who are employed in the Plant Protection Division excluding: Washington Management Service, supervisors, confidential, and exempt employees.

ISSUE

The issue in this case is: Should the parties' stipulation describing the bargaining unit be accepted?

The Executive Director accepts the parties' stipulation and amends the language of the bargaining unit description to reflect the "crosswalk" of employees to positions with new job titles.

ANALYSIS

In 2002, the Legislature enacted the Personnel System Reform Act of 2002 (PSRA). The PSRA transferred administration of the state civil service and collective bargaining laws from the Washington Personnel Resources Board (WPRB) to the Commission. The PSRA delegated the determination and modification of bargaining units to the Commission. RCW 41.06.340; RCW 41.80.070. One provision in the PSRA required DOP to reduce and change the number of job titles in the state's personnel classification system. RCW 41.06.139; WAC 357-10-010.

Historically, the WPRB and its predecessor boards described bargaining units in a different manner than the Commission. The WPRB often described bargaining units by listing specific job titles of employees working in the bargaining unit. In contrast, the Commission describes bargaining units by generic descriptions of the work performed by employees in the bargaining unit, without listing the job titles of the affected employees.

In *City of Milton*, Decision 5202-B (PECB, 1995), the Commission explained its use of generic work descriptions to describe bargaining units and discussed potential problems that could result from describing bargaining units by job titles. In addition, *State - Liquor Control Board*, Decision 9327 (PSRA, 2006) responded to problems in the description of a bargaining unit caused by a job title change.

In the instant case, the WPRB previously described the bargaining unit by a detailed list of job titles. RU - 609 (June 12, 2002). After the "crosswalk" of employees to new job titles, the parties submitted a written stipulation describing the bargaining unit. During an investigation conference with Commission staff, the parties also stipulated that employees with new job titles perform the same work they performed under their old job titles. In essence, the parties meticulously translated the list of job titles in the WPRB's unit description to generic descriptions of work performed. The generic descriptions of work performed are consistent with Commission practice and precedent.

Upon close scrutiny, the stipulated unit description is appropriate under these circumstances because both the composition of the bargaining unit and the work performed by employees in the bargaining unit remains exactly the same as the composition and work performed under the previous unit description. The Executive Director notes that the facts in this case do not present a question concerning representation (QCR) and that the employees previously exercised their choice to be represented by the union. RC - 1 (October 15, 1968). The Executive Director therefore accepts the stipulated unit description and amends the bargaining unit description as suggested by the parties.

FINDINGS OF FACT

1. The State of Washington is the employer, within the meaning of RCW 41.80.005(8), of employees working at the Washington State Department of Agriculture, which is a general government agency 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. On June 12, 2002, the Washington Personnel Resources Board issued RU - 609, which certified the bargaining unit in the instant case by listing job titles of employees who work in the bargaining unit.
4. As required by the Personnel System Reform Act of 2002, Chapter 41.80 RCW, the Washington State Department of Personnel reduced the number of job titles and changed many job titles in the state's personnel classification system. The Department of Personnel changed the job titles for some employees in the bargaining unit described in paragraph 3 of these findings of fact, which resulted in a "crosswalk" of employees from their old job titles to their new job titles. Employees with new job titles continue to perform the same work they performed under their old job titles.

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 parties' stipulations regarding the non-effect of the change of civil service classification job titles and describing the bargaining unit are consistent with Commission practices and precedents and with the unit determination criteria in RCW 41.80.070.
3. A change of unit description is warranted under RCW 41.80.070 to properly reflect changes of the legal status and the

certification of the bargaining unit described in paragraph 3 of these findings of fact.

NOW, THEREFORE, it is

ORDERED

1. The parties' stipulations describing the bargaining unit and the non-effect of job title changes are accepted.
2. The Washington Public Employees Association shall continue to be the exclusive bargaining representative of the employees in the bargaining unit now described as:

All non-supervisory employees who perform food safety duties within the Food Safety Program of the Food Safety and Consumer Services Division excluding: Washington Management Service, supervisors, confidential, and exempt employees.

All non-supervisory employees who perform Agricultural Chemical Specialist duties and who are employed in the Pesticide Management Division in Eastern Washington excluding: Agricultural Chemical Specialist Seniors, Washington Management Service, supervisors, confidential, and exempt employees.

All non-supervisory employees of the Yakima Chemistry Program who are employed in the Plant Protection Division excluding: Washington Management Service, supervisors, confidential, and exempt employees.

Issued at Olympia, Washington, on the 19th day of January, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director

This order may be appealed by filing timely objections with the Commission pursuant to WAC 391-25-590.