

The representation petition filed by CPEA in this proceeding sought to sever a unit of approximately 18 office-clerical employees from the existing PSE unit. Following a hearing, the Executive Director found that severance of a separate unit of office-clerical employees could be appropriate, if the desires of the employees so indicated. The Executive Director thus ordered unit determination and representation elections in the following voting group:

All full-time and regular part-time office-clerical employees of the Omak School District, excluding supervisors, confidential employees, aides working in support of the educational program, and all other employees of the employer.

Three employees working in the employer's elementary school and middle school libraries under the title of "media specialist assistant" were found to have a community of interest with instructional aides in the existing PSE unit, rather than with office-clerical employees in the unit sought by the CPEA.

The office-clerical employees voted in favor of establishing a separate unit, and in favor of representation by the CPEA. The CPEA filed objections, but only to that portion of the Direction of Elections that retained the middle school "media" position in the bargaining unit represented by PSE.² An interim certification was issued by the Commission, based on a conclusion that the issue regarding the middle school "media" position will not affect the outcome of the question concerning representation. The CPEA was thus designated as exclusive bargaining representative of a separate unit of office-clerical employees.³

² The CPEA did not challenge the Executive Director's ruling regarding the two "media specialist assistant" employees working in the elementary schools.

³ Decision 3973-A - PECB. PSE has continued to participate in this proceeding, to the extent that it affects the surviving portion of its bargaining unit.

POSITIONS OF THE PARTIES

The CPEA argues that the Executive Director erred in assuming that the media position at the employer's middle school was essentially the same as the media specialist positions at the elementary schools. The CPEA asserts that the position at the middle school was changed in 1989, when computer-related and other secretarial assignments were added to the duties of Maryanne Cramer. The CPEA contends that the employee holding the disputed position spends the majority of her work time on computer-related tasks, and very little time on the instruction of students. The CPEA argues that, in contrast, the employees at the elementary schools spend a majority of their time instructing students in the libraries. The CPEA maintains that the middle school position has duties over and above those of the elementary school positions, including making decisions concerning library book purchases, maintaining an inventory of books and materials, monitoring the library budget, and serving as secretary for the employer's public relations committee. The CPEA notes that direct supervision of the "media" position at the middle school is by the building principal, while the daily work assignments of the "media" employees at the elementary schools are directed by the elementary school librarian, a non-supervisory certificated employee of the district. The CPEA believes that the disputed position functions as a part of the administration, and shares a community of interest with other office-clerical positions.

PSE agrees with the Executive Director's decision. It argues that the work performed at the middle school is not substantively different from the work of the other "media" employees. PSE maintains that the disputed position labors more in support of the employer's instructional functions than in support of any administrative functions. PSE also notes that the employer refers to the positions with a single title, "media specialist assistant".

The employer has not taken a position on this issue, either before the Executive Director or on this appeal to the Commission.

DISCUSSION

Distinguishing "Office-Clerical" Positions

A long line of Commission decisions have ruled, in harmony with precedent developed by the National Labor Relations Board (NLRB), that office-clerical employees can have a separate community of interest, and can constitute an appropriate bargaining unit in and of themselves. See, Franklin Pierce School District, Decision 78-D (PECB, 1977); City of Tacoma, Decision 204 (PECB, 1977); Snoqualmie Valley School District, Decision 529 (PECB, 1978); Mukilteo School District, Decision 1008 (PECB, 1980); Shelton School District, Decision 1609 (PECB, 1983); Longview School District, Decision 2551 (PECB, 1986); University Place School District, Decision 2584 (PECB, 1986); and Highline School District, Decision 3562 (PECB, 1990).⁴

When faced with the question of whether positions held by school district employees should properly be placed in an "office-clerical" bargaining unit, or should be grouped with "instructional assistant" employees, the Commission has drawn a distinction between employees "working in support of the administrative function" and those "working in support of the educational function".⁵ Office-clerical employees in a school district indirectly support the overall goals and objectives of the educational process, but

⁴ PSE has not challenged the Executive Director's underlying conclusion on "severance" in this proceeding.

⁵ Quincy School District, Decision 3962-A (PECB, 1993). See, also, Tacoma School District, Decision 652 (EDUC, 1979), where the Executive Director drew a similar distinction with respect to "certificated" positions.

their primary responsibilities are to assure that the employer's operations work in a timely, adequate, coordinated and businesslike manner. Examples of previous rulings where employees were found to be functioning in support of school district administrative functions include: Franklin Pierce School District, supra [technical employees]; Shelton School District, supra [migrant home visitor records clerk]; and Longview School District, Decision 3109 (PECB, 1989) [microcomputer assistant]. Employees classified as "instructional assistants" are generally involved in providing direct educational or instructional services to students. Examples of previous rulings in this area include: Franklin Pierce School District, supra [service aide]; Longview School District, Decision 2551-A (PECB, 1987) [nurse aide]; and Puyallup School District, Decision 2738 (PECB, 1987) [library aide].

Factors to be considered in determining the primary function of a particular position should ideally include:

- a. The amount or proportion of the employee's work time that is spent instructing or assisting students;
- b. Information concerning who supervises the disputed position, since the level of supervision may indicate the primary purpose served by that position in the employer's organizational structure;
- c. The length of the employee's work day and year, since the work period for instructional assistants is generally tied to the times when students attend school, while the schedules of office-clerical employees may be similar to those of administrators;
- d. Educational requirements to hold the position, which may indicate the basic nature of the contemplated role.⁶
- e. The work location(s), since this may indicate the employer's perception of the primary function of the position;

⁶ Due to their focus on assisting students, instructional assistants may, in some cases, have greater educational requirements than office-clerical employees.

- f. Interaction with other employees, since shared work duties may shed light on the predominant functions of a position;
- g. Wage and benefit data comparing the disputed position with other positions in the organization; and
- h. Relationships with positions whose unit status has been agreed upon by the parties.

The Middle School "Media" Position at Omak

Because existing distinctions were not called to his attention, the Executive Director viewed the disputed middle school position as essentially the same as the similarly-titled positions at the elementary schools. His assumption that the jobs were essentially the same is understandable. Both positions receive the same pay and benefits; both have their work stations in the libraries of their respective school buildings; and many of the day-to-day duties of the "media" positions are the same. The record before us does demonstrate some significant differences, however.

Student Contact -

The critical difference between the "media" positions, in our view, is the limited amount of contact time that the middle school "media" position spends with students.

Because certificated employees or their instructional assistants supervise the middle school classes while in the library, the employee occupying the disputed position comes out of her office only to check out books during the last five minutes of a class period. This individual thus spends less than 10 percent of her work time in direct contact with students.

At the elementary schools, the classroom teachers leave their students in the library under the supervision of the librarian and the "media" specialists assigned to those buildings. Elementary "media" employee Bevier spends 60 percent of her time on instruc-

tional duties. She provides a story time to each of the 12 kindergarten classes at her school for one period each week; she instructs a 45-minute enrichment time for seven first-grade classes once a week; and is in charge of a 30 minute check-out time provided once a week for seven classes of second graders. Students can also come to the library for a reading time during recess.⁷ As a result, the elementary school "media" employees spend far more time in direct supervision and instruction of students.

Supervision -

The "media" position at the middle school, like other office-clerical employees, has been supervised by the building principal since 1989. Consistent with the fact that they are engaged more frequently in instructional tasks, the media specialists at the elementary schools work under the direction of the elementary school librarian, a non-supervisory certificated employee.

Length of Work Day / Year -

As is the case for office-clerical employees working in support of the administrative functions of the school district, the work year of the disputed position extends beyond the normal school year. The work year for the media employees at the elementary schools is identical to the 180-day school year for students. Additionally, the disputed position is scheduled for eight hours of work per day, while the elementary school media employees work only seven hours per day.

Shared Work Duties / Assignments -

Reflecting the "office-clerical" nature of her position, the disputed employee serves on the employer's public relations committee and types all information that goes out from the employer

⁷ No testimony was presented concerning the specific work assignments of the other elementary school "media" employee, Shirley Yenke, but we have no basis to infer that her duties differ from those of Bevier.

to the media. She also helps out with overflow work from the administrative office. The elementary media employees have no shared work experiences with other classified employees.

Scope of Duties -

A final consideration is the extent to which the responsibilities of the disputed position exceed those of the media employees at the elementary schools. The disputed position has responsibilities over and above the duties of the elementary "media" employees. The employee holding the disputed position decides which books to purchase for the middle school library, places the book orders, and maintains the library's inventory of books, audio/visual equipment and non-print materials. The disputed position oversees eight student helpers, who work in the library every period that it is open, while the elementary "media" employees have no student helpers. The disputed position coordinates parent volunteers who assist in maintaining media materials, while the elementary "media" employees have no similar responsibilities. The disputed position prepares the budget for the middle school library, while the elementary "media" employees have no comparable responsibilities. The employee occupying the disputed position spends 70 percent of her time performing computer, word processing, and accounting duties. In contrast, the elementary "media" employees spend only 40 percent of their time performing typing and computer-related functions.

Based on the foregoing considerations, we conclude that the general "media" classification used by the employer actually encompasses two somewhat different roles. The individual in the position at the middle school spends the majority of her time performing duties in support of the administrative functions of the school district, while the employees at the elementary schools spend the majority of their time instructing or supervising students. Because of those differences, we find that the position at the middle school is properly included in the office-clerical bargaining unit.

Accordingly, the eligibility ruling made by the Executive Director on the disputed position is reversed.

AMENDED FINDINGS OF FACT

1. Omak School District is a school district of the state of Washington operated under Title 28A RCW, and is a "public employer" within the meaning of RCW 41.56.030(1).
2. Classified Public Employees Association / Washington Education Association / National Education Association (CPEA), a bargaining representative within the meaning of RCW 41.56.030(3), is the exclusive bargaining representative of a unit described as:

All full-time and regular part-time office-clerical employees of the Omak School District, excluding supervisors, confidential employees, aides working in support of the educational program, and all other employees of the employer.

3. Public School Employees of Omak, an affiliate of Public School Employees of Washington (PSE), a bargaining representative within the meaning of RCW 41.56.030(3), is the exclusive bargaining representative of all classified employees of the Omak School District, except employees described in paragraph 2 of these findings of fact.
4. Individuals employed in "media specialist assistant" positions at the elementary school level primarily work in support of the educational functions of the employer, and have a community of interest with "instructional assistant" employees in the bargaining unit represented by PSE.

5. The "media" position at the middle school primarily works in support of the administrative functions of the employer, and has a community of interest with other office-clerical employees of the Omak School District in the bargaining unit represented by CPEA.

CONCLUSIONS OF LAW

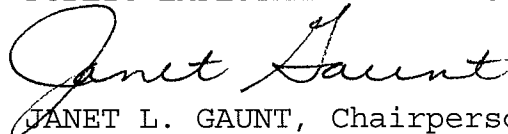
1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.56 RCW and Chapter 391-25 WAC.
2. The employee working in the "media" position at the middle school is properly included, under RCW 41.56.060, in the bargaining unit described in paragraph 2 of the foregoing findings of fact.

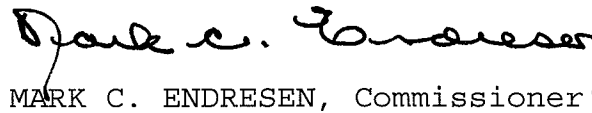
ORDER

The "media" position at the middle school operated by the Omak School District is included in the bargaining unit represented by the Classified Public Employees Association.

Entered at Olympia, Washington, the 28th day of February, 1994.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


JANET L. GAUNT, Chairperson


MARK C. ENDRESEN, Commissioner


DUSTIN C. MCCREARY, Commissioner