

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	CASE NO. 3501-E-81-681
UNITED BROTHERHOOD OF CARPENTERS,)	DECISION NO. 1386 - PECB
Involving certain employees of:)	
RENTON SCHOOL DISTRICT NO. 403)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Griffin & Enslow, P.S., by Robert G. Griffin, Attorney at Law, appeared on behalf of the petitioner.

Edward A. Hemphill, Attorney at Law, appeared on behalf of the intervenor, Public School Employees of Renton School District, an affiliate of Public School Employees of Washington.

Billy J. Fogg, Director of Employee Relations, appeared on behalf of the employer.

On June 3, 1981, United Brotherhood of Carpenters filed a petition with the Public Employment Relations Commission for investigation of a question concerning representation. The petitioner seeks to sever certain employees of Renton School District from an existing bargaining unit represented by the Renton affiliate of Public School Employees of Washington (PSE). PSE moved to intervene in the proceedings. A hearing was held on August 24, 1981, at Renton, Washington before Rex L. Lacy, Hearing Officer. The petitioner and intervenor filed post-hearing briefs.

BACKGROUND:

Renton School District has 16 elementary schools, 3 middle schools, 3 high schools and a vocational-technical institute that has numerous satellite locations. In addition to its school buildings, the district has warehouse, maintenance, audio-visual and print shop and administration buildings. The district serves approximately 15,000 students, of which about 2,300 attend the vocational-technical institute. Dr. Gary Kohlwes is Superintendent of Schools.

PSE has represented classified employees of the district since approximately 1967. The current bargaining unit of approximately 130 employees in 26 different classifications is described in the collective bargaining agreement as follows:

"Section 1.4. The bargaining unit to which this Agreement is applicable shall consist of all classified employees in the following general job classifications: Transportation, Garage Mechanics, Building Maintenance, Audio Visual Maintenance, Food Service, Truck Drivers and Warehousepersons, Swimming Pool Maintenance, and Print Shop Personnel; Excluding Secretaries, and the Supervisor(s) of Transportation, Maintenance, Audio Visual, Food Service, Purchasing Department, Swimming Pool, and Print Shop; and one (1) group leader Warehouse, one (1) group leader Supply, and one (1) group leader Print Shop."

The employees in the unit have never been organized for the purposes of collective bargaining other than in the PSE bargaining unit.

The United Brotherhood of Carpenters seeks to sever a proposed unit of maintenance employees comprised of craftsmen employees described as follows:

"All full time and regular part-time maintenance employees in the following classifications: Garage Serviceman 2 - Garage Serviceman 1 - Mechanic - Shop Foreman - Dispatcher - Supply Truck Driver - Warehouseman - Pressman 1 - Pressman 2 - Carpenter - Electrician - Plumber - Glazier - Controls - Painter - Filter Mechanic - Burner Mechanic - Swimming Pool Maintenance Operator 2 - General Maintenance - Audio Visual Repairman and excluding all other employees and further excluding office, clerical, guards and supervisors as defined in the act."

The petitioned-for bargaining unit includes 30 employees in 19 different job classifications. The duties of some of the petitioned-for employees (e.g. carpenter, plumber, electrician, pressman, mechanic) are the same as similarly titled employees in journeyman level skilled trades positions, and require the same training and experience as their counterpart employees in private sector trades. Others among the petitioned-for employees (e.g. garage serviceman, dispatcher, general maintenance, swimming pool maintenance operator, audio-visual repairman) hold positions and have duties that are not normally associated with skilled trades craftsmen. The employees in the petitioned-for unit report to different work sites and are supervised by at least 6 different officials in 6 different departments. They all work 40 hours weekly, year-round and do not regularly interchange jobs from one craft to another.

The Renton School District currently negotiates with 7 different bargaining units. Several employees of the proposed unit have served on PSE negotiations committees and have held elective offices in the Public School Employees local union structure. Employees whose testimony supported severance indicated their preference of changing representatives because of their unhappiness with the representation they were receiving, and their belief that a traditional craft bargaining representative would better understand their problems.

POSITIONS OF THE PARTIES:

The petitioner contends that the petitioned-for bargaining unit is a unit of skilled craftsmen who desire to form a bargaining unit separate and apart from the unit in which they are presently included; that skilled craftsmen have a different community of interest than non-skilled employees; and that Public School Employees does not properly represent the interests of skilled craftsmen.

The employer did not file a brief, but indicated at the outset of the hearing that it would prefer not to have the bargaining unit fragmented.

The intervenor contends that the severance of the petitioned-for bargaining unit is unnecessary because there is no separate history of representation for the proposed unit; that members of the petitioned-for bargaining unit have a history of participation in the bargaining and representation history of PSE's current unit; the petitioner has not shown that the proposed unit is comprised solely of skilled craftsmen; that the petitioned-for unit cuts across department and supervisory lines of school district organization; and that the severance of the petitioned-for unit would cause unnecessary fragmentation of bargaining units which would be disruptive of stable labor relations between the Renton School District and its employees.

DISCUSSION:

The National Labor Relations Board's current policy regarding severance is set forth in a line of cases beginning with Mallinckrodt Chemical Works, 162 NLRB 387 (1966). In adopting the Mallinckrodt policy, the NLRB overruled the doctrine established in American Potash & Chemical Corp., 107 NLRB 1418 (1954) and revised policies set forth in a series of decisions dating back to 1948 and known collectively as the "National Tube doctrine". National Tube Co., 76 NLRB 1199 (1948), is the only case cited by the petitioner in support of its position.

RCW 41.56.060 sets forth the Commission's authority and statutory requirements to determine appropriate bargaining units as follows:

"41.56.060 Determination of bargaining unit--Bargaining representative. The commission, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. In determining, modifying, or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public

employees. The commission shall determine the bargaining representative by (1) examination of organization membership rolls, (2) comparison of signatures on organization bargaining authorization cards, or (3) by conducting an election specifically therefor."

The Public Employment Relations Commission has adopted the policies enunciated in Mallinckrodt when determining the propriety of "severance" of bargaining units from broader units which have historically included the petitioned-for employees. Yelm School District, Decision 704-A (PECB, 1980).

Two PERC cases are noted which are factually similar to the instant case. In Bremerton School District, Decision 527 (PECB, 1978), application of the Mallinckrodt severance tests led to dismissal of a petition seeking a unit of custodial and maintenance employees of a school district. The employees had historically been included in a larger unit. Similarly, in Snohomish School District, Decision 750 (PECB, 1979), a petition of a joint council of traditional building trades crafts unions for severance of a unit of maintenance, custodial and mechanical employees was found to be inappropriate where those employees had historically been included in a larger unit. The facts of the instant case are remarkably similar to those in the Bremerton and Snohomish cases, and no distinctions of facts are noted which would warrant a contrary result. The petitioned-for bargaining unit does not consist of a distinct and homogeneous group of skilled craftsmen, or a functionally distinct department for which a tradition of separation exists; the history of collective bargaining establishes that the questioned employees have been historically included in the existing bargaining unit; the employees in the proposed unit have participated in the establishment and maintenance of the current collective bargaining and representation process; and the petitioned-for employees are contained within at least 6 different departments with 6 different departmental supervisors.

In affirming denial of the severance petition in Yelm, supra, the Commission specifically noted that the employees in the existing broad unit constituted: "an integrated support operation essential to the overall discharge by the district of its primary educational function, and therefore are more appropriately dealt with as a unit." Certainly, the same finding can be made in this case. Severance would unduly disrupt the stability of the employer's labor relations.

FINDINGS OF FACT

1. Renton School District No. 403 is a school district organized and operated under Chapter 28B RCW; is located in King County; and is an employer within the meaning of RCW 41.56.030(1).

2. United Brotherhood of Carpenters, a bargaining representative within the meaning of RCW 41.56.030(3), claims to represent a majority of skilled maintenance employees of Renton School District No. 403; and filed a timely petition and showing of interest seeking certification as the exclusive bargaining representative of such employees.

3. Public School Employees of Washington, a bargaining representative within the meaning of RCW 41.56.030(3), is the exclusive bargaining representative of a bargaining unit of employees of Renton School District NO. 403, which includes Transportation, Garage Mechanics, Building Maintenance, Audio-Visual Maintenance, Food Service, Truck Drivers and Warehouse persons, Swimming Pool Maintenance and Print Shop personnel.

4. A history of bargaining exists under which the petitioned-for maintenance employees have been included, since at least 1967, in a common bargaining unit with other classified employees of the employer. There has been no history of separate representation of skilled maintenance employees. The employees in the existing bargaining unit constitute an integrated support operation essential to the discharge by the school district of its primary educational functions. The intervenor continues to be a viable organization and has a continuing interest in representing skilled maintenance employees as part of its larger unit.

5. The employees in the bargaining unit proposed by the petitioner have working conditions and fringe benefits similar to those enjoyed by other employees in the larger bargaining unit from which severance is proposed.

6. The employees in the bargaining unit proposed by the petitioner are not under common supervision.

7. Severance of the bargaining unit proposed by the petitioner from the existing larger bargaining unit would contribute to fragmentation of bargaining units and disruption of labor relations of the employer.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to RCW 41.56.

2. The petitioned-for bargaining unit of crafts employees of Renton School District is not an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060, and no question concerning representation presently exists.

ORDER

The petition of United Brotherhood of Carpenters for investigation of a question concerning representation is dismissed.

DATED at Olympia, Washington this 1st day of March, 1982.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director