

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	CASE NO. 6468-E-86-1143
CENTRALIA FULL-TIME EMPLOYEES)	DECISION NO. 2599 - PECB
ASSOCIATION)	
)	
Involving certain employees of:)	
CENTRALIA SCHOOL DISTRICT)	ORDER OF DISMISSAL
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Fran Tomasino, President, appeared on behalf of the petitioner.

Jerry Gates, Labor Relations Specialist, appeared on behalf of the employer.

Edward A. Hemphill, Legal Counsel, appeared on behalf of the intervenor, Public School Employees of Washington.

On July 1, 1986, Centralia Full-Time Employees Association (petitioner) filed a petition with the Public Employment Relations Commission seeking investigation of a question concerning representation among certain employees of Centralia School District (employer). The petitioner seeks to sever a group of vehicle maintenance employees from an existing bargaining unit of transportation and food service employees. Public School Employees of Washington (intervenor) timely moved for intervention in the proceedings as the incumbent exclusive bargaining representative of the affected employees. A pre-hearing conference was conducted on September 29, 1986. A statement of results of pre-hearing conference was issued on October 3, 1986, specifying that the intervenor disputed the propriety of the proposed bargaining unit. A hearing was conducted on October 29, 1986,

before Hearing Officer Kenneth J. Latsch. The petitioner submitted a closing letter reiterating its position that the proposed unit is appropriate. The employer did not submit any brief. The intervenor submitted a post-hearing brief.

BACKGROUND

Located in Lewis County, Washington, Centralia School District provides educational services for approximately 3,200 students. The district has collective bargaining relationships with four employee organizations.

The petitioner presently represents a bargaining unit of approximately 30 full-time classified employees of the school district working as secretaries, custodians, and maintenance workers.

The bargaining unit from which severance is sought in this case consists of approximately 37 transportation and food service employees. Public School Employees of Washington (PSE) and the school district have negotiated a series of collective bargaining agreements dating back to 1976.

Other bargaining units are as follows: An affiliate of the Washington Education Association represents non-supervisory, certificated personnel of the district. Classified Public Employees Association/WEA represents a bargaining unit of aides and part-time secretaries.

The Centralia School District has entered into a cooperative school bus transportation arrangement with the neighboring Chehalis School District. Under terms of that cooperative arrangement, both school districts share the expenses involved in the operation of a school bus system, but the Centralia School

District has the primary responsibility for the maintenance of all of the school bus vehicles used by both school districts.

The vehicle maintenance employees work in the Centralia School District's transportation building. The vehicle maintenance crew consists of two mechanics, two assistant mechanics, and two utility persons. Among the vehicle maintenance personnel, all work full-time except one utility person. As their job titles imply, the vehicle maintenance employees at issue in these proceedings are responsible for the repair and maintenance of school buses. The record indicates that the mechanics also perform routine service on other district vehicles if needed.

The vehicle maintenance employees share common supervision with the bus drivers,¹ and their wage rates are set under the terms of a collective bargaining agreement covering the entire transportation group.

While several mechanics have achieved "journeyman" status through their work experience and additional training, the district does not require journeyman status for work in the vehicle maintenance area. In fact, the record indicates that the only certification or licensure required in the school transportation area is the state certification issued to the school bus drivers.²

The vehicle maintenance employees have never been represented separately for purposes of collective bargaining.

1 The record indicates that the bus drivers report to the same facility before the start of their regular work assignments, and that they return to that facility at the end of their bus runs.

2 One assistant mechanic does hold certification as a school bus driver.

POSITIONS OF THE PARTIES

The petitioner requests the formation of a separate bargaining unit of vehicle maintenance employees. The petitioner maintains that the vehicle maintenance employees share a unique community of interest separate from the rest of the employees in the existing bargaining unit, and that a separate bargaining unit will permit the affected employees to bargain effectively.

The employer has not taken a formal position during the course of these proceedings concerning the unit determination issue.

The intervenor opposes the creation of a new bargaining unit, noting that the proposed unit is functionally integrated in the employer's transportation service, and claiming that creation of a new bargaining unit would needlessly fragment the existing collective bargaining structure.

DISCUSSION

The Public Employment Relations Commission determines the propriety of proposed bargaining units in light of the criteria set forth in RCW 41.56.060:

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 the bargaining representatives; the extent of organization among the public employees; and the desire of the public employees. (emphasis supplied)

There may be little doubt that the vehicle maintenance employees desire a separate bargaining unit. However, the desires of

employees, while a factor to be considered, cannot take precedence over other unit determination criteria. Bremerton School District, Decision 527 (PECB, 1978). If examination of other statutory factors leads to a conclusion that a community of interest is lacking or that undue fragmentation of the existing collective bargaining structure would result from the creation of a new bargaining unit, then the proposed unit must be rejected as inappropriate. Thurston County, Decision 2574 (PECB, 1986).

In this case, the petitioner seeks to "sever" the vehicle maintenance employees from a larger existing bargaining unit. The Commission has consistently followed the severance criteria set forth by the National Labor Relations Board (NLRB) in Mallinckrodt Chemical Works, 162 NLRB 387 (1966). Those criteria were set out in Yelm School District, Decision 704-A (PECB, 1980), as follows:

1. Is the proposed unit a group of skilled journeyman craftsman or employees constituting a functionally distinct department?
2. What is the history of collective bargaining with the employer?
3. Have the employees maintained an established separate identity?
4. What is the history and pattern of collective bargaining in the industry involved?
5. What is the degree of integration of the proposed unit in the employer's overall operation?
6. What are the qualifications of the union seeking to sever the proposed unit?

Suffice it to say that the moving party in a severance case has a difficult burden to meet.

Given the nature of the employer's business in this matter and the history of bargaining, the proposed bargaining unit is not appropriate. While the vehicle mechanics generally perform skilled maintenance tasks, the record indicates that the mechanics are intimately related to the rest of the employer's transportation system, sharing both common supervision and a common work location with bus drivers who would remain in the existing bargaining unit. In addition to the problems inherent in seeking to create a bargaining unit among a small number of employees out of a larger workforce (i.e., the "extent of organization"), there is a long-established history of bargaining in the existing unit and no history of separate representation for the petitioned-for employees. Further, review of the record indicates that the thread which holds the proposed bargaining unit together is that it consists of all of the full-time employees in the existing PSE bargaining unit. The amount of time worked is not, in itself, sufficient to indicate that the proposed bargaining unit have a community of interest distinct from the remainder of the bargaining unit. Creation of the petitioned-for bargaining unit would thus also have the effect of further fragmenting the employer's workforce along lines of "full-time" versus "part-time", in contravention of Commission policy which commingles employees doing related work without regard to whether they work some or all of the "full-time" schedule. See: Mount Vernon School District, Decision 2273, 2273-A (PECB, 1986) and cases cited therein. Such a result must be avoided whenever possible.

FINDINGS OF FACT

1. The Centralia School District is a school district operated pursuant to Title 28A RCW and is a "public employer" within the meaning of RCW 41.56.030(1).

2. The Centralia Full-Time Employees Association is a "bargaining representative" within the meaning of RCW 41.56.030(3) which represents certain employees of the Centralia School District. The association has filed a timely and properly supported petition seeking the creation of a separate bargaining unit of vehicle maintenance personnel employed by the Centralia School District.
3. Public School Employees of Washington is a "bargaining representative" within the meaning of RCW 41.56.030(3) which represents a bargaining unit of transportation and food service employees of the Centralia School District, including the vehicle maintenance positions sought by the petitioner in this proceeding. That bargaining relationship has existed since at least 1976.
4. All transportation employees of the school district are supervised by the same person. All such transportation employees report to work at the same location.
5. All employees in the existing bargaining unit have wage and benefit levels set under the terms of a common collective bargaining agreement.
6. There is no history of separate representation or bargaining for the vehicle maintenance employees.

CONCLUSIONS OF LAW

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

2. The petitioned-for bargaining unit of vehicle maintenance employees is not an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060.

ORDER

The petition for investigation of a question concerning representation filed in this matter is DISMISSED.

DATED at Olympia, Washington, this 20th day of January, 1987.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


Marvin L. Schurke, Executive Director

This Order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-25-390(2).