

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
CLASSIFIED PUBLIC EMPLOYEES ASSOCIATION, WEA/NEA	)	CASE NO. 3519-E-81-684
Concerning certain employees of:	)	DECISION NO. 1418 - PECB
NORTH THURSTON SCHOOL DISTRICT NO. 3	)	DIRECTION OF ELECTION

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Faith Hanna, Attorney at Law, appeared on behalf of the petitioner.

Craig W. Hanson, Attorney at Law, appeared on behalf of the employer.

Edward E. Younglove III, Attorney at Law, appeared on behalf of the intervenor, Washington State Council of County and City Employees, AFL-CIO.

The Classified Public Employees Association filed a petition with the Public Employment Relations Commission on July 1, 1981, seeking severance of secretarial and clerical employees of the district from an existing unit composed of secretarial, clerical and custodial employees currently represented by the intervenor, Washington State Council of County and City Employees, AFSCME. A hearing was held on September 25, 1981 before Hearing Officer Jack T. Cowan.

BACKGROUND:

North Thurston School District No. 3 has approximately 750 employees including about 50 custodians and 49 clerical employees. In addition to the subject unit, there are three other bargaining units: (1) teachers, (2) aides and (3) cafeteria workers and bus drivers.

Beginning about 1970, there had been an informal group of secretaries who had banded together to discuss mutual problems and to be involved in discussions with the district regarding salaries and working conditions. Custodians were not included with the secretarial group.

The intervenor has represented the existing bargaining unit since 1974. The most recent collective bargaining agreement between the parties (September 1, 1979 to August 31, 1981) defined the unit as "all

classifications listed on salary schedules A & B" with the exception of three administrative secretaries. Salary schedules attached to the contract included both secretarial/clerical and custodian classifications.

Duties and responsibilities of the various secretarial/clerical employees align with particular position functions, whether in the district office, at one of the schools, or in a specialty function. Descriptions include such activities as typing, maintenance of files, operation of copiers, data collection and bookkeeping or accounting. Clerical or secretarial experience is a prerequisite, and specific skills in areas such as photography, mathematics, calculators and operation of other office machines may be required. Also emphasized is an ability to work under pressure, to maintain timelines, to work well with faculty, students and parents, and to use good judgment in handling and discussing matters of "confidential" nature.<sup>1/</sup> All clerical employees work on the day shift. Secretarial/clerical workers report to the principal of the building to which they are assigned or other immediate supervisor, as there is no district-wide supervisor of clerical employees.

Custodians perform varied maintenance functions on a multi-shift basis: day, swing and graveyard. Job descriptions, duties, knowledge and experience requirements were stated as follows:

Description: Will be responsible for the care, cleanliness and custody of the facilities and equipment. Have the ability to keep the building ready for educational activities and community use. The position requires that the custodian keep the plant in a condition that safeguards the health and safety of the students and other personnel, maintain the mechanical system and external conditions necessary for effective learning and provide such other services as may be assigned by the supervisor.

Specific tasks: vacuuming, dusting, cleaning, scrubbing, sweeping, waxing, changing light bulbs/tubes, cleaning blinds, painting specific areas. Minor repairs to mechanical equipment, facility fixtures, playground equipment and furniture. Provide for or perform limited or operator's maintenance of mechanical equipment as specified by manufacturer's representative.

Should have knowledge of basic carpentry, electrical plumbing repairs. Prefer knowledge of carpet care, inclusive of stain/spot removal, wet and dry extraction. Have knowledge of hard floor care, inclusive of minor V.A.T. repair, stripping, refinishing, spray buffing.

Custodians have, in effect, a dual line of supervision, reporting to the building principal and also to the Coordinator of Custodial Services and Assignments. Custodians are normally full-time twelve month employees, although there are a few part-time custodians who work less than twelve months or less than eight hours per day.

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<sup>1/</sup> There is no claim that any of the employees in the petitioned-for unit are "confidential" employees in a labor relations capacity.

Secretarial/clerical employees work a variety of work schedules - nine, ten, eleven or twelve months, depending on function or location. Since holidays, vacation & leave time are contingent upon time worked, these fringe benefits vary between secretarial/clerical & custodial classifications.

Under the terms of the 1980-81 collective bargaining agreement, both secretarial and custodial employees were placed on a three-step salary schedule. Secretarial/clerical employees are additionally placed on a seven (A-G) step base or skill level, based upon the job evaluation of the particular position to which assigned.

POSITION OF THE PARTIES:

The petitioner seeks to represent clerical employees who were covered by the recently expired contract between the district and the intervenor. The recently-expired collective bargaining agreement covering the existing bargaining unit made reference to titles of: Secretary I-elementary; library clerk; audio-visual clerk; attendance clerk; counseling secretary; Secretary II-middle school; Secretary III, Administrative Secretary, Library Technician and receptionist. The petitioner would sever this proposed unit from the existing unit of clerical and custodial employees.

The employer and intervenor are in agreement that the bargaining unit should remain as presently constituted, combining clerical and custodial employees in one unit. The employer objects to the fragmentation of what it regards as a stable, long existing unit, and cites Franklin Pierce School District, Decision No. 78-B(PECB, 1977) in which the employer's lack of objection to the severance, the size of the unit and its past dealings as a separate unit were taken into consideration in granting a clerical severance. The employer further contends the common supervision of the existing unit, common evaluation and basic support role for the district are additional reasons for maintaining the existing unit, along with the unit's community of interest. The employer aligns with Yelm School District No. 2, Decision 704-A (PECB, 1980) which noted:

"All of the (classified) employees of the employer constitute an integrated support operation essential to the overall discharge by the district of its primary education function, and therefore are more appropriately dealt with as a unit."

STATUTORY AUTHORITY:

"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..."

DISCUSSION:

The Public Employment Relations Commission has followed Mallinckrodt Chemical Works, 162 NLRB 387 (1966) in Yelm, supra, and in other cases such as Bremerton School District, Decision 527 (PECB, 1978); Snohomish School District, Decision 750 (PECB, 1979); and Renton School District No. 403, Decision 1386 (PECB, 1982), where severance was denied based on historical inclusion in a larger unit. Historically, however, the NLRB has regularly held that the interests of secretarial/clerical employees have differed markedly from those of production and maintenance employees of a manufacturing plant. As a result, regardless of whether the secretarial/clerical employees were confined to a single department or were to be found plant-wide, and regardless of an extensive prior bargaining history, the NLRB has approved separate units of secretarial/clerical employees. General Electric Co., 107 NLRB 21 (1953). PERC policies concerning office/clerical units have been similar, and the Commission has also approved severance of separate office/clerical units from other larger district wide units. Franklin Pierce, supra; Snoqualmie School District, Decision 529 (PECB, 1972); Mukilteo School District, Decision 1008 (PECB, 1980). In Yelm, a unit of office/clerical employees was severed from the "all classified employees" unit by certification of a separate organization in Yelm School District, Decision 623 (PECB, 1979), issued April 6, 1979. The decisions in Yelm School District, Decision 704 (PECB, 8/79) and Decision 704-A (PECB 1/80), thus dealt with a historical "all classified" unit from which office/clerical employees had already been severed.

The NLRB has treated clerical employees who work in production areas of a plant differently in unit determinations. Because of the common interests of the plant clericals and the production and maintenance employees, the plant clericals ordinarily are included in the production and maintenance unit. General Electric Co. (op. cit); International Smelting and Refining, 106 NLRB 45 (1953); Robbin and Myers, Inc., 144 NLRB 32 (1963). While the employer in the instant case emphasizes common interests of clerical and custodial employees in the individual schools, it is difficult to draw an analogy between building secretaries in the educational environment and plant clerical in an industrial or manufacturing setting. The interchange or commonality between secretarial/clerical and custodial is limited. Beyond working in the same building(s) and under the supervision of a principal, the two classes pursue separate work activities and interests. Both have access

to faculty and students, each from a different point of perspective or concern. Previous negotiation and unit activity has evidenced little interchange.

The employer's claim of labor disruption if the unit were severed has not been substantiated. Were this a case of initial efforts at organizing, this record would not support establishment of the "clerical/custodial" unit, as there is insufficient evidence of a community of interest between the widely disparate groups. The existing unit is not statutorily inappropriate on its face, however, and is found to be an appropriate unit based on its 8-year bargaining history. A total of five versus four bargaining units has not been shown to constitute an unmanageable or unworkable situation.

The secretarial/clerical employees will be afforded an opportunity to express their desires on the proposed severance from the existing unit. See: Tumwater School District No. 33, Decision 1388 (PECB, 1982).

#### FINDINGS OF FACT

1. North Thurston School District No. 3 is a public employer within the meaning of RCW 41.56.030(1).
2. Classified Public Employees Association, WEA/NEA, a bargaining representative within the meaning of RCW 41.56.030(3), has petitioned to represent the secretarial/clerical employees of the district.
3. Washington State Council of County and City Employees, AFSCME, a bargaining representative within the meaning of RCW 41.56.030(3), has been granted intervention in this proceeding based on its status as the incumbent exclusive bargaining representative of a bargaining unit of district employees which includes custodial, maintenance and secretarial/clerical employees.
4. There are a current total of four separate bargaining units in the district. The Intervenor has represented the existing bargaining unit since 1974. For a period from approximately 1970 to 1974, the petitioned-for secretarial/clerical employees pursued collective advancement of their employment concerns through an organizational structure which did not encompass employees in custodial-maintenance classifications.
5. The petitioned-for employees perform routine office/clerical functions using office machinery such as typewriters, calculators and duplicators. Aside from work location, the duties skills and working conditions of the petitioned unit of secretarial/clerical employees are not similar to those of the custodians and maintenance employees.

6. Severance of the proposed bargaining unit would not contribute to undue fragmentation or disruption of labor relations within the district.

#### CONCLUSIONS OF LAW

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

2. By reason of its history of bargaining, the existing consolidated bargaining unit consisting of all secretarial-clerical and custodial employees of the district, excluding Secretary to the Superintendent, Secretary to the Associate Superintendent and Secretary to Administrator, could continue to be an appropriate unit for the purposes of collective bargaining, pursuant to RCW 41.56.060, if the desires of employees so indicate.

3. A separate bargaining unit of all secretarial-clerical employees of the district, excluding Secretary to the Superintendent, Secretary to the Associate Superintendent and Secretary to Administrator of Personnel, could be an appropriate unit for the purposes of collective bargaining, pursuant to RCW 41.56.060, if the desires of the employees so indicate.

#### DIRECTION OF ELECTIONS

1. A unit determination election by secret ballot shall be held under the direction of the Public Employment Relations Commission in the following voting group:

All secretarial-clerical and custodial employees of North Thurston School District No. 3, excluding Secretary to the Superintendent, Secretary to the Associate Superintendent and Secretary to Administrator of Personnel.

to determine whether a majority of employees eligible to vote desire to constitute themselves a separate bargaining unit of secretarial-clerical employees.

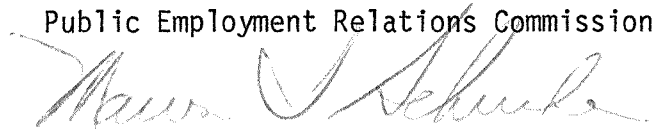
2. Conditioned on the outcome of the unit determination election directed above, a representation election shall be held under the direction of the Public Employment Relations Commission as follows:

In the event that a majority of those eligible to vote in the voting group described in paragraph 1 vote in favor of creation of a separate bargaining unit of secretarial-clerical employees, an election by secret ballot shall be held under the direction of the Public Employment Relations Commission among all secretarial-clerical employees of the district, excluding Secretary to the Superintendent, Secretary to the Associate Superintendent and Secretary to Administrator of

Personnel, to determine whether a majority of these employees desire to be represented by Classified Public Employees Association, WEA/NEA; by Washington State Council of County and City Employees, AFL-CIO, or by no representation.

DATED at Olympia, Washington this 7th day of April, 1982.

Public Employment Relations Commission

A handwritten signature in cursive script, appearing to read "Marvin L. Schurke".

MARVIN L. SCHURKE, Executive Director