

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

MEAD SCHOOL DISTRICT

Involving certain employees represented by:

MEAD CLASSIFIED PUBLIC  
EMPLOYEES ASSOCIATION

CASE 25061-E-12-3737

DECISION 11451 - PECB

ORDER CLARIFYING  
CERTIFICATION AND  
CLOSING CASE

On August 8, 2012, the Mead School District (District) filed a petition under Chapter 391-25 RCW in response to an August 3, 2012 demand for recognition sent by the Mead Classified Public Employees Association (MCPEA). Representation Case Administrator Dario de la Rosa reviewed agency record and determined that the MCPEA was already certified as the exclusive bargaining representative of the bargaining unit described in the Demand Letter. In *Mead School District*, Decision 11102 (PECB, 2011), a single historical bargaining unit represented by the MCEPA was divided into two separate bargaining units as follows:

- All full-time and regular part-time Custodians, Delivery Drivers of Food Service and Mail Couriers (inter-district and postal), and Warehouse Stock Pullers (custodial and food service) of the Mead School District, excluding supervisors, confidential employees, casual employees, and all other employees. (Unit 1).
- All full-time and regular part-time Combined Trades employees including: Maintenance, Mechanics, Warehouse, and Computer Technicians of the Mead School District, excluding supervisors, confidential employees, casual employees, and all other employees. (Unit 2).

Because the MCPEA has already been certified as the exclusive bargaining representative of the employees at issue, the Representation Case Administrator contacted the District for further clarification about the purpose of the petition. On August 23, 2012, a conference call was held

where the parties explained that the stipulations that resulted in *Mead School District*, Decision 11102, recognized that the MCPEA would be the exclusive bargaining representative of Unit 1, but the Mead Combined Trades Association (MCTA) would be recognized as the exclusive bargaining representative for Unit 2.

## DISCUSSION

Generally, amendments to bargaining unit certification are processed under the agency's unit clarification rules, Chapter 391-35 WAC. Here, the employer was faced with a demand for recognition. WAC 391-25-090(1) permits employers who are presented with demands for recognition to file petitions under Chapter 391-25 WAC to obtain a determination of the question concerning representation. In light of the apparent confusion stemming from the Order in *Mead School District*, Decision 11102, the employer's petition is accepted in this instance.

A review of the case file for *Mead School District*, Decision 11102, demonstrates that the parties filed eight stipulations in order to expedite the matter without the need for a hearing. Stipulation 1 of the Stipulation of Agreement between the District and MCPEA states:

- A. Certified Bargaining unit: Mead Classified Public Employees Association  
Recognition clause shall read:  
The District recognizes the Association as the exclusive bargaining representative for all custodians, delivery drivers of food service and mail couriers (intra-district and postal), warehouse stock puller's (custodial and food service), temporary/seasonal custodians, casual substitutes and long-term substitutes. This excludes all administrative employees, administrative assistants, and other clerical employees.
- B. Certified Bargaining unit: Mead Combined Trades Association  
Recognition clause shall read:  
The District recognizes the Association as the exclusive bargaining representative for all combined trade employees (including general maintenance, journey level maintenance, mechanics, warehouse, computer technicians, temporary/seasonal maintenance employees, and summer maintenance employees.) This excludes all administrative employees, administrative assistants and other clerical employees.

Stipulation 8 states that the entire agreement is conditioned upon this agency's acceptance of two separate bargaining units, one represented by MCPEA and the other by MCTA. Stipulation 8 goes on to state that the agreement would be null and void if this agency failed to certify both units. A plain reading of *Mead School District*, Decision 11102, could lead to a conclusion that the MCPEA represents both bargaining units. This result is clearly contrary to the agreement reached by the parties, which was accepted by the Executive Director in Conclusion of Law 1 of Decision 11102. Thus, it is appropriate to clarify the original to clearly state which organization represents which group.

NOW, THEREFORE, it is

ORDERED

1. The Mead Classified Public Employees Association is certified as the exclusive bargaining representative of the following bargaining unit of employees at the Mead School District:

All full-time and regular part-time Custodians, Delivery Drivers of Food Service and Mail Couriers (inter-district and postal), and Warehouse Stock Pullers (custodial and food service) of the Mead School District, excluding administrative employees, administrative assistants, all other clerical employees, supervisors, confidential employees, casual employees, and all other employees.

2. The Mead Combined Trades Association is certified as the exclusive bargaining representative of the following bargaining unit of employees at the Mead School District:

All full-time and regular part-time Combined Trades employees including: Maintenance, Mechanics, Warehouse, and Computer Technicians of the Mead School District, excluding administrative employees, administrative assistants, all other clerical employees, supervisors, confidential employees, casual employees, and all other employees.

Issued at Olympia, Washington, this 5<sup>th</sup> day of September, 2012.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, Executive Director