

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND  
AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA, LOCAL 4121

For clarification of an existing bargaining  
unit of employees of:

UNIVERSITY OF WASHINGTON

CASE 22639-C-09-1411

DECISION 11139-A - PECB

DECISION OF COMMISSION

Douglas Drachler McKee & Gilbrough, LLP, by *Paul Drachler*, Attorney at Law,  
for the union.

Davis Wright Tremaine, LLP, by *Henry E. Farber*, Special Assistant Attorney  
General, for the employer.

On August 12, 2009, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 4121 (union) filed a unit clarification petition to include the legal writing fellow and legal research assistant positions in the existing bargaining unit of student employees. The Executive Director found that the only appropriate unit for the petitioned-for student employees was the existing bargaining unit, that the petitioned-for positions met the statutory criteria of RCW 41.56.203, and clarified the bargaining unit to include the petitioned-for employees. The University of Washington (employer) appealed the Executive Director's decision.<sup>1</sup>

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<sup>1</sup> *University of Washington*, Decision 11139 (PECB, 2011).

On appeal, the employer argued that the petition is untimely and that the order is inconsistent with precedent and the statutory scheme. The employer argued that the petition must meet the timeliness standard in WAC 391-35-020(1) and (2) and the result of the order must meet the standard in WAC 391-35-020(3) through (6). The union argued that this agency has reviewed clarification petitions for timeliness under WAC 391-35-020(3) and (4). We agree with the union and affirm the Executive Director. WAC 391-35-020(4)(b) allows this agency to clarify bargaining units at any time "where the existing bargaining unit is the only appropriate unit for the employees or positions."

After reviewing the record, the statutes, and the rules, and considering the parties' arguments on appeal, we find that the law and substantial evidence support the Executive Director's ruling.

NOW, THEREFORE, it is

ORDERED

The Findings of Fact, Conclusions of Law, and Order of Executive Director Cathleen Callahan are AFFIRMED.

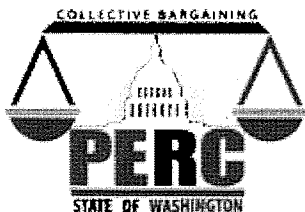
ISSUED at Olympia, Washington, this 26<sup>th</sup> day of April, 2012.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARILYN GLENN SAYAN, Chairperson

  
PAMELA G. BRADBURN, Commissioner

  
THOMAS W. McLANE, Commissioner



## PUBLIC EMPLOYMENT RELATIONS COMMISSION

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MIKE SELLARS, EXECUTIVE DIRECTOR

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PUBLIC EMPLOYMENT RELATIONS COMMISSION

*Majel C. Boudia*  
BY: /s/ MAJEL C. BOUDIA

CASE NUMBER: 22639-C-09-01411 FILED: 08/12/2009 FILED BY: PARTY 2  
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