

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON FEDERATION OF
STATE EMPLOYEES

For clarification of an existing bargaining
unit of employees of:

UNIVERSITY OF WASHINGTON

CASE 22493-C-09-1403

DECISION 10436 - PSRA

ORDER CLARYIFYING
BARGAINING UNIT

Gladys Burbank, Director of PERC Activities, for the union.

Lou Pisano, Director of Labor Relations, for the employer.

On May 29, 2009, the Washington Federation of State Employees (union) filed a petition seeking to clarify a nonsupervisory bargaining unit of trades and crafts employees working at the University of Washington. Specifically, the union seeks to clarify whether the position of electrician high voltage lead is included in the existing bargaining unit.

The union represents a bargaining unit of employees in trades and crafts classifications certified in *University of Washington*, Decision 8291 (PSRA, 2003). Review of Commission records in that case clearly shows the classification of electrician high voltage is one of classifications sought by the union (Case 17791-E-03-2874). The Commission staff contacted the employer to request its position on whether the position of electrician high voltage lead is a supervisory position and therefore would be excluded from the existing bargaining unit.

On June 11, 2009, the employer responded that the position does not have supervisory duties and that the employer did not object to its inclusion into the existing bargaining unit.

The Executive Director accepts the information presented by the employer and, acting under WAC 391-35-190-(1), clarifies the existing bargaining unit to include the classification of electrician high voltage lead.

ISSUE

Should the existing bargaining unit be clarified to include the electrician high voltage lead classification?

ANALYSIS

The Legislature has delegated the determination and modification of bargaining units of employees to the Public Employment Relations Commission. RCW 41.80.070. The Commission decides in each application for certification as an exclusive bargaining representative, the unit appropriate for certification. RCW 41.80.070(1). In determining the new unit or modification of an existing unit, The Commission is to determine the duties, skills, and working conditions of the employees, the history of collective bargaining, the extent of organization among the employees, the desires of the employees and the avoidance of excessive fragmentation. RCW 41.80.070(1).

The Commission may add employees or positions to an existing bargaining unit in a unit clarification proceeding where the existing bargaining unit is the only appropriate unit for the employees or positions. WAC 391-35-020(4) (b).

CONCLUSION

The petition was filed to clarify whether the classification of electrician high voltage lead should be included in the bargaining unit represented by the union. The bargaining unit currently includes employees in numerous trades and crafts classification, including other lead positions. The employer provided information that the petitioned-for classification is not a supervisory position and that the employer does not object to its inclusion into the existing bargaining unit.

Nothing has come to the attention of the Executive Director that contradicts the propriety of the existing bargaining unit and or class into question the inclusion of the electrician high voltage lead classification.

FINDINGS OF FACT

1. The University of Washington is a state institution of higher education within the meaning of RCW 41.80.005(10).
2. The Washington Federation of State Employees, an employee organization within the meaning of RCW 41.80.005(7), is the exclusive bargaining representative of a bargaining unit of employees in trades and crafts classifications of the employer which was certified in *University of Washington*, Decision 8291 (PSRA, 2003).
3. The employer provided information that the classification of electrician high voltage lead is not a supervisory position that would justify its exclusion from the existing bargaining unit. The classification of electrician high voltage lead has duties, skills, and working condition similar to, and shares a community of interest, with employees in the bargaining unit described in paragraph 2 above.
4. No other facts have been discovered or brought to the attention of the Executive Director which call into question the propriety of the proposed clarification described in these findings of fact.

CONCLUSION OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to RCW 41.80 and WAC 391-35-320.
2. The existing bargaining unit described in paragraph 2 in the Findings of Fact is an appropriate unit for the inclusion of the classification described in paragraph 3 of the Findings of Fact for the purposes of collective bargaining under RCW 41.80.070.

ORDER

1. The description of the bargaining unit involved in this proceeding is clarified to include electrician high voltage lead.
2. The classification listed in paragraph 1 of this order is included into the bargaining unit at issue in this proceeding. The bargaining unit is described as:

All trades and crafts classifications of University of Washington, excluding supervisors, confidential employees, and those employees in existing bargaining units.

ISSUED at Olympia, Washington, this 19th day of June, 2009.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-35-210.