

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

PROFESSIONAL AND TECHNICAL
EMPLOYEES, LOCAL 17

For clarification of an existing bargaining
unit of employees of:

STATE - TRANSPORTATION

CASE 24963-C-12-1521

DECISION 11557 - PSRA

ORDER CLARIFYING
BARGAINING UNIT

Kristen Kussmann, for the union.

Ann Mitchell, Office of Financial Management, for the employer.

The Professional and Technical Employees, Local 17 (PTE), formerly the International Federation of Professional and Technical Employees, Local 17, was originally certified by the Washington Personnel Resources Board in Case RU-174 as the exclusive bargaining representative of all “Non-Supervisory Right-of-Way Section: Property & Acquisition Specialist 1, 2, 3, 4, 5, 6.” The bargaining unit did not include employees the employer called “non-permanent” or “temporary” employees.

On July 3, 2012, PTE filed a petition for unit clarification under Chapter 391-35 WAC requesting that “non-permanent” or “temporary” employees be included in the bargaining unit. Emily Whitney was assigned as Hearing Officer in this matter.

On October 2, 2012, the Hearing Officer conducted a prehearing conference to determine if the parties would stipulate to certain matters and resolve the case without the need for a hearing. The parties agreed that, consistent with WAC 391-35-356, the “non-permanent” or “temporary” employees who perform the same work as the full-time employees within the existing bargaining

unit should be included in that unit. Following the prehearing conference, the Hearing Officer issued a Statement of Results detailing the stipulations made during the conference and provided a fourteen-day period to file objections to those results. No objections to the Statement of Results were filed. Based upon the stipulations of the parties, it is appropriate to clarify the bargaining unit represented by the PTE.

FINDINGS OF FACT

1. The Washington State Department of Transportation is a public employer within the meaning of RCW 41.80.005(8).
2. The Professional and Technical Employees, Local 17, is a bargaining representative within the meaning of RCW 41.80.005(7) that represented a bargaining unit of employees at the Washington State Department of Transportation. The parties' collective bargaining agreement described the unit as follows:

Non-Supervisory Right-of-Way Section: Property & Acquisition Specialist
1, 2, 3, 4, 5, 6.

3. On July 3, 2012, the Professional and Technical Employees, Local 17, filed a petition for a unit clarification for all "non-permanent" or "temporary" employees to be included in the existing bargaining unit.
4. On October 2, 2012, the parties stipulated that the bargaining unit definition should be changed to the following:

All full-time and regular part-time nonsupervisory employees covered by Chapter 41.06 RCW and Chapter 41.80 RCW of the Washington State Department of Transportation, Right-of-Way Section, in the following classifications: Property & Acquisition Specialist 1, Property & Acquisition Specialist 2, Property & Acquisition Specialist 3, Property & Acquisition Specialist 4, Property & Acquisition Specialist 5, and Property & Acquisition Specialist 6, excluding supervisors, confidential employees, Washington Management Services employees, and all other employees.

The parties agreed that, consistent with WAC 391-35-356, the “non-permanent” or “temporary” employees who perform the same work as the full-time employees within the existing bargaining unit should be included in that unit.

5. On October 3, 2012, a Statement of Results was issued to the parties verifying the stipulations that the parties had agreed to during the October 2, 2012 prehearing conference. The parties had fourteen days following the issuance of the Statement of Results to file objections to those results. No objections to the Statement of Results were filed.
6. The petition did not raise questions concerning representation.
7. The parties waived their right to a hearing under Chapter 391-35 WAC.
8. The parties waived their right to appeal under WAC 391-35-210.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.80 RCW.
2. The bargaining unit described in Finding of Fact 4 is an appropriate bargaining unit under RCW 41.80.070.

ORDER

The existing bargaining unit described in Finding of Fact 2 shall be modified as follows:

All full-time and regular part-time nonsupervisory employees covered by Chapter 41.06 RCW and Chapter 41.80 RCW of the Washington State Department of Transportation, Right-of-Way Section, in the following classifications: Property & Acquisition Specialist 1, Property & Acquisition Specialist 2, Property & Acquisition Specialist 3, Property & Acquisition Specialist 4, Property & Acquisition Specialist 5, and Property & Acquisition Specialist 6, excluding

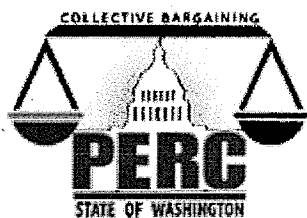
supervisors, confidential employees, Washington Management Services employees, and all other employees.

ISSUED at Olympia, Washington, this 1st day of November, 2012.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read 'M. Sellars', with a stylized flourish at the end.

MICHAEL P. SELLARS, Executive Director



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PUBLIC EMPLOYMENT RELATIONS
COMMISSION


B.S./ ROBBIE DUFFIELD

CASE NUMBER: 24963-C-12-01521 FILED: 07/03/2012 FILED BY: PARTY 2
DISPUTE: COMMUNITY INT
BAR UNIT: TECHNICAL
DETAILS: - RU 174
COMMENTS:

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