

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

PUBLIC SCHOOL EMPLOYEES OF  
WASHINGTON

For clarification of an existing bargaining  
unit of employees of:

WESTERN WASHINGTON  
UNIVERSITY

CASE 25533-C-13-1540

DECISION 11882 - PSRA

ORDER OF DISMISSAL

On March 12, 2013, the Public School Employees of Washington, SEIU 1948 (union) filed a unit clarification petition concerning a bargaining unit it represents at Western Washington University (employer). The petition sought to accrete the position of Student Services Advisor to the union's existing non-supervisory classified staff bargaining unit. That bargaining unit is currently defined as:

All full-time and regular part-time professional and technical employees of Western Washington University, excluding supervisors and employees excluded from the coverage of the state civil service law.

*Western Washington University*, Decision 8962 (PSRA, 2005). The collective bargaining rights of the employees in that bargaining unit are governed by Personnel Service Reform Act of 2002, Chapter 41.80 RCW.

On May 30, 2013, Hearing Officer Erin Slone-Gomez held a pre-hearing conference. During that conference, the employer objected to the petition and requested its dismissal on the basis that the Student Services Advisor position is exempt from the state civil service law, Chapter 41.06 RCW, and therefore ineligible to be included in the union's bargaining unit. The union requested a delay of several weeks to consider the employer's proposal and informed the Hearing Officer that it did not oppose the employer's motion for dismissal.

DISCUSSION

RCW 41.80.005(6) sets forth the kinds of employees covered by Chapter 41.80 RCW for purposes of collective bargaining, and states in part:

(6) “Employee” means any employee, including employees whose work has ceased in connection with the pursuit of lawful activities protected by this chapter, covered by chapter 41.06 RCW, except:

(a) Employees covered for collective bargaining by chapter 41.56 RCW[.]

A plain reading of the statutes demonstrates that employees who are exempt from Chapter 41.06 RCW or are covered by Chapter 41.56 RCW may not be included in bargaining units with employees who are covered by that act.

Here, there is no dispute in this case that the Student Services Advisor position is exempt from Chapter 41.06 RCW. As an exempt employee at a higher education institution, the Student Services Advisor’s collective bargaining rights are governed by Chapter 41.56 RCW and RCW 41.56.021. Because this position cannot be included in the union’s bargaining unit, the petition must be dismissed.

ORDERED

The motion for dismissal filed by Western Washington University is granted and the above captioned petition is DISMISSED.

ISSUED at Olympia, Washington, this 26<sup>th</sup> day of September, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MICHAEL P. SELLARS, 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.



## PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PUBLIC EMPLOYMENT RELATIONS  
COMMISSION

  
BY: S/ ROBBIE DUFFIELD

CASE NUMBER: 25533-C-13-01540 FILED: 03/12/2013 FILED BY: PARTY 2  
DISPUTE: COMMUNITY INT  
BAR UNIT: ALL EMPLOYEES  
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COMMENTS:

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