

Wahkiakum School District, Decision 11720 (PECB, 2013)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WAHKIAKUM EDUCATION SUPPORT
PERSONNEL ASSOCIATION

For clarification of an existing bargaining
unit of employees of:

WAHKIAKUM SCHOOL DISTRICT

CASE 25534-C-13-1541

DECISION 11720 - PECB

ORDER CLARIFYING UNIT

Michael Gawley, Attorney at Law, for the union.

Bob Garrett, Superintendent, for the employer.

On March 13, 2013, the Wahkiakum Education Support Personnel Association (union) filed a unit clarification petition to include the newly created position of Technology Systems Administrator in its existing bargaining unit of non-supervisory classified employees at the Wahkiakum School District (employer). The union's bargaining unit is described as follows:

All full-time and regular part-time classified employees of the Wahkiakum School District, excluding supervisors, confidential employees, and all other employees.

Wahkiakum School District, Decision 7861 (PECB, 2002). The union's petition indicated that the employer proposed excluding the Technology Systems Administrator position from the existing bargaining unit as a confidential employee under Chapter 41.56 RCW and WAC 391-35-320.

On April 11, 2013, Hearing Officer Page Garcia conducted a pre-hearing conference with the parties. During that conference, the employer reasserted its belief that the position was confidential in nature and the matter was set for hearing.

On April 23, 2013, Superintendent Bob Garrett sent the Hearing Officer an e-mail indicating that the employer was withdrawing its challenge to the Technology Systems Administrator position and agreed that the position should be included in the union's bargaining unit.

DISCUSSION

The Washington State Legislature delegated to this Commission the authority to determine appropriate bargaining units for purposes of collective bargaining. *City of Richland*, Decision 279-A (PECB, 1978), *aff'd*, 29 Wn. App. 599 (1981), *review denied*, 96 Wn.2d 1004 (1981). When a public employer creates a new position, the parties to a collective bargaining relationship may file a unit clarification petition under WAC 391-35-020(1)(a) to determine if that position should be included in the existing bargaining unit.

In this case, no dispute remains between the parties regarding the inclusion of the newly created Technology Systems Administrator position in the union's existing bargaining unit. The employer is no longer claiming that the position should be excluded from the bargaining unit as a confidential employee, and neither party asserts that the position falls outside of the existing bargaining unit description. Accordingly, the Technology Systems Administrator position will be included in the bargaining unit.

FINDINGS OF FACT

1. The Wahkiakum School District is a public employer within the meaning of RCW 41.56.030(12).
2. The Wahkiakum Education Support Personnel Association is a bargaining representative within the meaning of RCW 41.56.030(2).

3. Since 2002, the Wahkiakum Education Support Personnel Association has represented a bargaining unit of employees described as follows:

All full-time and regular part-time classified employees of the Wahkiakum School District, excluding supervisors, confidential employees, and all other employees.

4. The Technology Systems Administrator is a newly created position in the Wahkiakum School District.
5. The Wahkiakum School District and the Wahkiakum Education Support Personnel Association agree that the Technology Systems Administrator should be included in the bargaining unit described in Finding of Fact 3.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.56 RCW and Chapter 391-35 WAC.
2. Based upon Findings of Fact 3, 4, and 5, including the Technology Systems Administrator in the existing bargaining unit would not render that unit inappropriate under RCW 41.56.060.

ORDER CLARIFYING BARGAINING UNIT

The existing bargaining unit is clarified to include the Technology Systems Administrator position.

ISSUED at Olympia, Washington, this 7th day of May, 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.