

State – Enterprise Services, Decision 11665-B (PSRA, 2013)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petitions of:

STATE – ENTERPRISE SERVICES
(FACILITIES DIVISION)

and

WASHINGTON FEDERATION OF
STATE EMPLOYEES

For clarification of an existing
bargaining unit.

CASE 24598-C-12-1484
DECISION 11665-B - PSRA

CASE 24629-C-12-1494
DECISION 11669-B - PSRA

CASE 24594-C-12-1480
DECISION 11667-B - PSRA

CASE 24599-C-12-1485
DECISION 11668-B - PSRA

CASE 24635-C-12-1499
DECISION 11666-B - PSRA

DECISION ON RECONSIDERATION

Younglove & Coker, P.L.L.C., by *Edward Earl Younglove III*, Attorney at Law, for the union.

Robert W. Ferguson, Attorney General, by *Kara A. Larsen*, Senior Counsel, for the employer.

On August 15, 2013, the Commission issued *State – Enterprise Services (Facilities Division)*, Decision 11665-A (PSRA, 2013). On August 26, 2013, the employer filed a motion for reconsideration. The employer requested the Commission to remand the case for a hearing on the supervisory status of two employees.

The Hearing Officer questioned employee Nick Cockrell (Cockrell) about the time spent evaluating employees, the time spent directing employees, and the authority to hire, fire, or discipline.¹ The Hearing Officer questioned Cockrell about John Wiggins' (Wiggins) supervisory duties.² Additionally, Thomas Henderson testified about Wiggins' duties.³

¹ Transcript (Tr.) at 209-210, 211-215.

² Tr. at 207-208

³ Tr. at 40 – 41.

If an issue arises in a hearing that a party did not anticipate, it is incumbent on the party to address the issue when it arises. When a hearing officer questions witnesses about a subject a party did not anticipate to be an issue in a proceeding, the party should raise the issue during the hearing. In this case, the parties chose not to ask additional questions about the supervisory indicia or raise on the record the supervisory issue with the hearing officer.

The parties to a unit clarification proceeding have an obligation to present adequate evidence for a determination to be made. While the record may not have been as complete as it could have been, enough evidence was elicited to make a determination about the employees' supervisory status. We affirmed the determination based on that evidence.

The purpose of a unit clarification proceeding is to ensure that employees are properly placed in bargaining units. Nonetheless, the bargaining unit issues posed by the movement and consolidation of agencies to the Department of Enterprise Services were many. Therefore, the cases are remanded for the limited purpose of determining whether Cockrell and Wiggins are supervisors and determining which, if any, bargaining units they should be placed in.

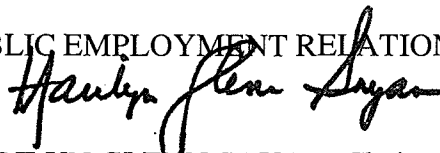
NOW, THEREFORE, it is

ORDERED

The motion for reconsideration is GRANTED. The cases are remanded to the Representation Case Administrator for a hearing as to whether Nick Cockrell and John Wiggins are supervisors.

ISSUED at Olympia, Washington, this 12th day of September, 2013.

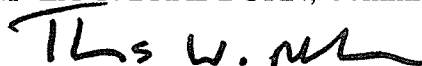
PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



PAMELA G. BRADBURN, Commissioner



THOMAS W. McLANE, Commissioner



PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
PAMELA G. BRADBURN, COMMISSIONER
THOMAS W. McLANE, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 09/12/2013

The attached document identified as: **DECISION 11665-B - PSRA** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS
COMMISSION

BY: S/ ROBBIE DUFFIELD

CASE NUMBER: 24598-C-12-01484 FILED: 02/24/2012 FILED BY: EMPLOYER
DISPUTE: MISC CLARIF
BAR UNIT: SUPERVISORS
DETAILS: Capital Facilities Supervisors
COMMENTS:

EMPLOYER: STATE - ENTERPRISE SERVICES
ATTN: RICK HALL
210 11TH AVE SW STE 331
PO BOX 43113
OLYMPIA, WA 98504-3113
Ph1: 360-725-5540

REP BY: KARA LARSEN
OFFICE OF THE ATTORNEY GENERAL
7141 CLEANWATER DR SW
PO BOX 40145
OLYMPIA, WA 98504-0145
Ph1: 360-664-4167

PARTY 2: WA FED OF STATE EMPLOYEES
ATTN: GLADYS BURBANK
1212 JEFFERSON ST SE STE 300
OLYMPIA, WA 98501-2332
Ph1: 800-562-6002 Ph2: 360-352-7603

REP BY: EDWARD YOUNGLOVE
YOUNGLOVE COKER
1800 COOPER PT RD SW, BLDG 16
PO BOX 7846
OLYMPIA, WA 98507-7846
Ph1: 360-357-7791



PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
PAMELA G. BRADBURN, COMMISSIONER
THOMAS W. McLANE, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 09/12/2013

The attached document identified as: **DECISION 11669-B - PSRA** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS
COMMISSION

BY: ROBBIE DUFFIELD

CASE NUMBER: 24629-C-12-01494 FILED: 03/01/2012 FILED BY: PARTY 2

DISPUTE: MISC CLARIF
BAR UNIT: ALL EMPLOYEES
DETAILS: Facilities
COMMENTS:

EMPLOYER: STATE - ENTERPRISE SERVICES
ATTN: RICK HALL
210 11TH AVE SW STE 331
PO BOX 43113
OLYMPIA, WA 98504-3113
Ph1: 360-725-5540

REP BY: KARA LARSEN
OFFICE OF THE ATTORNEY GENERAL
7141 CLEANWATER DR SW
PO BOX 40145
OLYMPIA, WA 98504-0145
Ph1: 360-664-4167

PARTY 2: WA FED OF STATE EMPLOYEES
ATTN: GLADYS BURBANK
1212 JEFFERSON ST SE STE 300
OLYMPIA, WA 98501-2332
Ph1: 800-562-6002 Ph2: 360-352-7603

REP BY: EDWARD YOUNGLOVE
YOUNGLOVE COKER
1800 COOPER PT RD SW, BLDG 16
PO BOX 7846
OLYMPIA, WA 98507-7846
Ph1: 360-357-7791



PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
PAMELA G. BRADBURN, COMMISSIONER
THOMAS W. McLANE, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 09/12/2013

The attached document identified as: **DECISION 11667-B - PSRA** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS
COMMISSION

[Handwritten Signature]
BY: /S/ ROBBIE DUFFIELD

CASE NUMBER: 24594-C-12-01480 FILED: 02/24/2012 FILED BY: EMPLOYER
DISPUTE: MISC CLARIF
BAR UNIT: SUPERVISORS
DETAILS: Construction and Maintenance
COMMENTS:

EMPLOYER: STATE - ENTERPRISE SERVICES
ATTN: RICK HALL
210 11TH AVE SW STE 331
PO BOX 43113
OLYMPIA, WA 98504-3113
Ph1: 360-725-5540

REP BY: KARA LARSEN
OFFICE OF THE ATTORNEY GENERAL
7141 CLEANWATER DR SW
PO BOX 40145
OLYMPIA, WA 98504-0145
Ph1: 360-664-4167

PARTY 2: WA FED OF STATE EMPLOYEES
ATTN: GLADYS BURBANK
1212 JEFFERSON ST SE STE 300
OLYMPIA, WA 98501-2332
Ph1: 800-562-6002 Ph2: 360-352-7603

REP BY: EDWARD YOUNGLOVE
YOUNGLOVE COKER
1800 COOPER PT RD SW, BLDG 16
PO BOX 7846
OLYMPIA, WA 98507-7846
Ph1: 360-357-7791



PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
PAMELA G. BRADBURN, COMMISSIONER
THOMAS W. McLANE, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 09/12/2013

The attached document identified as: **DECISION 11668-B - PSRA** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS
COMMISSION

BY: ROBBIE DUFFIELD

CASE NUMBER: 24599-C-12-01485 FILED: 02/24/2012 FILED BY: EMPLOYER

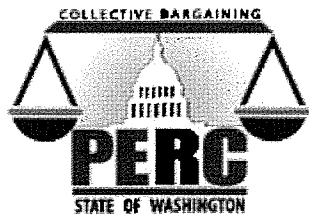
DISPUTE: MISC CLARIF
BAR UNIT: CUSTOD/MAINT
DETAILS: Facilities
COMMENTS:

EMPLOYER: STATE - ENTERPRISE SERVICES
ATTN: RICK HALL
210 11TH AVE SW STE 331
PO BOX 43113
OLYMPIA, WA 98504-3113
Ph1: 360-725-5540

REP BY: KARA LARSEN
OFFICE OF THE ATTORNEY GENERAL
7141 CLEANWATER DR SW
PO BOX 40145
OLYMPIA, WA 98504-0145
Ph1: 360-664-4167

PARTY 2: WA FED OF STATE EMPLOYEES
ATTN: GLADYS BURBANK
1212 JEFFERSON ST SE STE 300
OLYMPIA, WA 98501-2332
Ph1: 800-562-6002 Ph2: 360-352-7603

REP BY: EDWARD YOUNGLOVE
YOUNGLOVE COKER
1800 COOPER PT RD SW, BLDG 16
PO BOX 7846
OLYMPIA, WA 98507-7846
Ph1: 360-357-7791



PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
PAMELA G. BRADBURN, COMMISSIONER
THOMAS W. McLANE, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 09/12/2013

The attached document identified as: **DECISION 11666-B - PSRA** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS
COMMISSION


BY: /S/ ROBBIE DUFFIELD

CASE NUMBER: 24635-C-12-01499 FILED: 03/02/2012 FILED BY: PARTY 2
DISPUTE: MISC CLARIF
BAR UNIT: SUPERVISORS
DETAILS: Facilities - Supervisors
COMMENTS:

EMPLOYER: STATE - ENTERPRISE SERVICES
ATTN: RICK HALL
210 11TH AVE SW STE 331
PO BOX 43113
OLYMPIA, WA 98504-3113
Ph1: 360-725-5540

REP BY: KARA LARSEN
OFFICE OF THE ATTORNEY GENERAL
7141 CLEANWATER DR SW
PO BOX 40145
OLYMPIA, WA 98504-0145
Ph1: 360-664-4167

PARTY 2: WA FED OF STATE EMPLOYEES
ATTN: GLADYS BURBANK
1212 JEFFERSON ST SE STE 300
OLYMPIA, WA 98501-2332
Ph1: 800-562-6002 Ph2: 360-352-7603

REP BY: EDWARD YOUNGLOVE
YOUNGLOVE COKER
1800 COOPER PT RD SW, BLDG 16
PO BOX 7846
OLYMPIA, WA 98507-7846
Ph1: 360-357-7791