

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON FEDERATION OF
STATE EMPLOYEES

Involving certain employees of:

COMMUNITY COLLEGES OF
SPOKANE

CASE 128086-C-16

DECISION 12599 - PSRA

ORDER MERGING
BARGAINING UNITS

Lewis M. Woods Jr., Director of PERC Activities, for the Washington Federation of State Employees.

Donna J. Stambaugh, Senior Counsel, Attorney General Robert W. Ferguson, for the Community Colleges of Spokane.

On April 4, 2016, the Washington Federation of State Employees (union) filed a petition to merge three of its existing bargaining units of employees at the Community Colleges of Spokane (employer). The units at issue are the Maintenance, Grounds, and Custodial bargaining unit; the Office-Clerical Support bargaining unit; and the Head Start bargaining unit. The employer does not oppose the union's request to merge the bargaining units.

The union's request to merge its three bargaining units into a single bargaining unit is granted. If a single employee organization is the exclusive bargaining representative for two or more units of state civil service employees, those bargaining units may be consolidated into a single larger unit if that unit is deemed appropriate. RCW 41.80.070(3). In this instance, merging the three existing bargaining units into a single larger unit would result in an appropriate bargaining unit.

BACKGROUND

The union represents three bargaining units of employees in the employer's workforce. All three bargaining units were clarified in 2009 to ensure that the part-time employees who worked more than 350 hours annually were included in the bargaining unit.

The Maintenance, Grounds, and Custodial bargaining unit is currently described as “[a]ll full-time and regular part-time classified employees assigned to custodial, grounds, trades and crafts classes at the Community Colleges of Spokane, which include Spokane Community College, Spokane Falls Community College, the Institute for Extended Learning, and the district office, excluding supervisors and all other employees.” *Spokane Community College*, Decision 10325 (PSRA, 2009).

The Office-Clerical Support bargaining unit is currently described as “[a]ll full-time and regular part-time nonsupervisory classified employees of Spokane Community College, excluding employees exempt from civil service, academic employees, confidential employees, internal auditors, supervisors, employees performing custodial/grounds/trades/crafts functions, and employees providing services in the Head Start program.” *Spokane Community College*, Decision 10326 (PSRA, 2009).

The Head Start bargaining unit is currently described as “[a]ll full-time and regular part-time civil service employees working in the Head Start Program at the Community Colleges of Spokane, which includes Spokane Community College, Spokane Falls Community College, the Institute for Extended Learning and the district office, excluding employees exempt from civil service, academic employees, supervisors, confidential employees and all other employees.” *Community Colleges of Spokane*, Decision 10376 (PSRA, 2009).

DISCUSSION

This agency has the authority to define new bargaining units of employees and to modify existing bargaining units to ensure their continued appropriateness. RCW 41.80.070. Included with that authority is the ability to merge existing appropriate bargaining units into a single bargaining unit. Bargaining units of state civil service employees may be merged provided only one employee organization represents the bargaining units subject to merger and the resulting merged bargaining unit is appropriate under the statute. RCW 41.80.070(3); WAC 391-25-426.

The merger of bargaining units under RCW 41.80.070(3) can be presumed to reflect a concern about the proliferation of bargaining units as well as an attempt to avoid fragmentation issues. *University of Washington*, Decision 11155 (PSRA, 2011). Although the purpose of the statute is to avoid fragmentation in the workforce, the focus of the statute is narrow. While it allows for the merger of existing bargaining units into a single appropriate unit, the statute does not anticipate other types of modifications or clarifications of the bargaining units in the same proceedings.¹

In this instance, the parties agree that the three bargaining units should be merged into a single bargaining unit. All three bargaining units are appropriate, and nothing has come to the attention of Commission staff or the Executive Director that suggests a single merged bargaining unit comprised of these three appropriate bargaining units would be inappropriate. Merging the bargaining units also addresses the fragmentation component of the statutory unit determination criteria.

FINDINGS OF FACT

1. The Community Colleges of Spokane is a public employer within the meaning of RCW 41.80.005(8).
2. The Washington Federation of State Employees (union) is an employee organization within the meaning of RCW 41.80.005(7) and is the exclusive bargaining representative of three separate bargaining units of non-supervisory employees of the Community Colleges of Spokane.
3. The Maintenance, Grounds, and Custodial bargaining unit is currently described as “[a]ll full-time and regular part-time classified employees assigned to custodial, grounds, trades and crafts classes at the Community Colleges of Spokane, which include Spokane Community College, Spokane Falls Community College, the Institute for Extended Learning, and the district office, excluding supervisors and all other employees.”

¹ However, the parties can agree to clarify existing bargaining units at the same time provided the clarification is timely. *See, e.g., State – Fish and Wildlife*, Decision 12141 (PSRA, 2014).

4. The Office-Clerical Support bargaining unit is currently described as “[a]ll full-time and regular part-time nonsupervisory classified employees of Spokane Community College, excluding employees exempt from civil service, academic employees, confidential employees, internal auditors, supervisors, employees performing custodial/grounds/trades/crafts functions, and employees providing services in the Head Start program.”
5. The Head Start bargaining unit is currently described as “[a]ll full-time and regular part-time civil service employees working in the Head Start Program at the Community Colleges of Spokane, which includes Spokane Community College, Spokane Falls Community College, the Institute for Extended Learning and the district office, excluding employees exempt from civil service, academic employees, supervisors, confidential employees and all other employees.”
6. The parties agree that merging the bargaining units described in Findings of Fact 3 through 5 would result in an appropriate bargaining unit.
7. No facts have been discovered or brought to the attention of Commission staff or the Executive Director which call into question the propriety of the proposed merger described in Finding of Fact 6.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.80 RCW and WAC 391-25-426.
2. The merger of the bargaining units described in Findings of Fact 3 through 5 will result in an appropriate unit for the purposes of collective bargaining under RCW 41.80.070, implementing the fragmentation component of that section.

ORDER

1. The bargaining units described in Findings of Fact 3 through 5 shall be merged into one bargaining unit described as follows:

All full-time and regular part-time civil service employees of the Community Colleges of Spokane, excluding supervisors, confidential employees, employees exempt from civil service, academic employees, employees historically excluded from the bargaining unit, and all other employees.

2. The Washington Federation of State Employees shall continue to be the exclusive bargaining representative of all employees in the merged unit.

ISSUED at Olympia, Washington, on this 26th day of July, 2016.

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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DECISION 12599 - PSRA has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:


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