

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

STATE – ENTERPRISE SERVICES
(COMMUNICATIONS)

For clarification of an existing bargaining
unit represented by:

WASHINGTON FEDERATION OF
STATE EMPLOYEES

CASE 24606-C-12-1489

DECISION 11660-A - PSRA

ORDER CLOSING CASE

In 2001, the Legislature passed Engrossed Substitute Senate Bill (ESSB) 5931 which consolidated all or parts of five separate agencies and created the Department of Enterprise Services (employer). That legislation directed this agency to review any bargaining unit transferred to Enterprise Services to ensure that the bargaining unit remained appropriate under RCW 41.80.070. If any bargaining unit was deemed inappropriate, ESSB 5931 granted authority to modify the transferred bargaining unit and, if necessary, conduct a representation election.

Prior to the enactment of ESSB 5931, the Washington Federation of State Employees (WFSE) represented a bargaining unit at the Department of Information Services (Information Services). The bargaining unit at Information Services contained approximately 300 employees in a wall-to-wall bargaining unit that encompassed all of the non-supervisory employees of the agency. Following enactment of ESSB 5931, Information Services was abolished and the employees in the Information Services bargaining unit were dispersed between two different state agencies, Enterprise Services and the Consolidated Technology Services. The employees assigned to Enterprise Services were dispersed throughout that agency.

On February 27, 2012, the employer filed a petition concerning the employees transferred to the Communication Division. On March 1, 2012, WFSE filed a petition seeking to include the

employees transferred to the Communications Division in a proposed bargaining unit with the employees in the Business Resources Division. Some, but not all, of the employees in the Communications Division originated from the Information Services bargaining unit.

A hearing was held and on February 25, 2013, a decision was issued that determined the Information Services bargaining unit that transferred to Enterprise Services was no longer appropriate under RCW 41.80.070 because the employees from that bargaining unit were not placed within the Enterprise Services organizational structure as a distinct, identifiable group. *State – Enterprise Services (Communications)*, Decision 11660 (PSRA, 2013).¹ The decision also held that because the employees in the Communications Division constituted a separate appropriate bargaining unit and WFSE represented a plurality of the employees in that division, an election was directed to determine the representational status of the employees in the Communication Division.

On June 10, 2013, WFSE filed written notice with this agency disclaiming any interest in the employees in the Communications Division who were formerly included in the Information Services bargaining unit. Based upon this disclaimer, WFSE requested that no representation election occur for the bargaining unit created by *State – Enterprise Services (Communications)*, Decision 11660.

WFSE's disclaimer of interest in the represented employees within the Communications Division of Enterprise Services is accepted. This matter will be closed without the need of the representation election that was ordered in *State – Enterprise Services (Communications)*, Decision 11660.

ORDERED

The disclaimer of interest filed by the Washington Federation of State Employees for the employees in the Communications Division of the Washington State Department of Enterprise

¹ WFSE's petition to include the employees in the Communications Division in a bargaining unit with the employees in the Business Resources Division was dismissed.

Services is ACCEPTED and the above-captioned matter shall be CLOSED without the need of a representation election.

ISSUED at Olympia, Washington, this 21st day of June, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read 'MPSO', is written over the printed name of the Executive Director.

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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The attached document identified as: **DECISION 11660-A - 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/ DIANE THOVSEN

CASE NUMBER: 24606-C-12-01489 FILED: 02/27/2012 FILED BY: EMPLOYER
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BAR UNIT: MISCELLANEOUS
DETAILS: DES Communications
COMMENTS:

EMPLOYER: STATE - ENTERPRISE SERVICES
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