

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

STATE - CORRECTIONS

For clarification of an existing bargaining
unit represented by:

WASHINGTON FEDERATION OF
STATE EMPLOYEES

CASE 25740-C-13-1554

DECISION 12005-A - PSRA

DECISION OF COMMISSION

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

Attorney General Robert W. Ferguson by *Kari Hanson*, Assistant Attorney
General, and *Denise R. Pruitt*, Assistant Attorney General, for the employer.

The issue in this case is whether the Washington State Department of Corrections' (employer) unit clarification petition is timely. On June 3, 2013, the employer filed a unit clarification petition to remove employees classified as Human Resource Consultant 4, Human Resource Consultant 3, and Corrections Specialist 4 from the bargaining unit. On June 6, 2013, the union filed a motion to dismiss the employer's petition as untimely. On June 18, 2013, the Executive director dismissed the union's motion. After a hearing, the Executive Director dismissed the employer's petition as untimely because there was no recent change of circumstances warranting review of the bargaining unit. The employer appealed.

On appeal, the employer argued its unit clarification petition was timely and timeliness should be determined based on the factual circumstances of the case. The union argued that there has not been a recent material change and the employer's petition is untimely.

The Commission reviews conclusions and applications of law, as well as interpretations of statutes, de novo. We review findings of fact to determine if they are supported by substantial evidence and, if so, whether those findings in turn support the Examiner's conclusions of law.

C-Tran (Amalgamated Transit Union, Local 757), Decision 7087-B (PECB, 2002). Substantial evidence exists if the record contains evidence of sufficient quantity to persuade a fair-minded, rational person of the truth of the declared premise. *C-Tran (Amalgamated Transit Union, Local 757)*, Decision 7087-B. Unchallenged findings of fact are accepted as true on appeal. *C-Tran (Amalgamated Transit Union, Local 757)*, Decision 7087-B.

The Executive Director correctly stated the legal standard. Substantial evidence supports the Executive Director's findings of fact, which support the Executive Director's conclusions of law. After fully considering the evidence and arguments before us, we affirm the Executive Director.

NOW, THEREFORE, it is

ORDERED

The Findings of Fact, Conclusions of Law, and Order issued by Executive Director Michael P. Sellars are AFFIRMED and adopted as the Findings of Fact, Conclusions of Law, and Order of the Commission.

ISSUED at Olympia, Washington, this 24th day of July, 2014.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLENN SAYAN, Chairperson

THOMAS W. McLANE, Commissioner

MARK E. BRENNAN, Commissioner