

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the joint petition of:

UNIVERSITY OF WASHINGTON

and

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 925

For clarification of an existing  
bargaining unit.

CASE 128679-C-17

DECISION 12665 - PSRA

ORDER CLARIFYING  
BARGAINING UNIT

*Don Driscoll*, Field Director, for the Service Employees International Union,  
Local 925.

*Banks Evans*, Assistant Director of Labor Relations, for the University of  
Washington.

On January 13, 2017, the University of Washington (employer) and the Service Employees International Union, Local 925 (union) jointly filed a unit clarification petition concerning the Polysomnographic Technologist job class at Harborview Medical Center Sleep Center. The Polysomnographic Technologist is currently an unrepresented position.

The union represents a bargaining unit that includes employees in the Polysomnographic Technician job class at Harborview Medical Center. *University of Washington, Decision 10908 (PSRA, 2010)*. When that bargaining unit was originally created, there were no employees in the Polysomnographic Technologist job class and therefore the Polysomnographic Technologist job class was not included in the bargaining unit description. That bargaining unit was subsequently modified to include other positions at Harborview Medical Center. *University of Washington, Decision 10943 (PSRA, 2010)*.

In late 2016, the employer expressed a desire to fill the Polysomnographic Technologist position at Harborview Medical Center. Because the Polysomnographic Technologist job class is in the same job series as the Polysomnographic Technicians, the parties jointly agree that the Polysomnographic Technologist job class should be included in the same bargaining unit with the Polysomnographic Technicians.

The Polysomnographic Technologist job class is appropriately included in the union's Polysomnographic Technicians bargaining unit because that is the only appropriate placement for the position. The Polysomnographic Technologist performs the same work as the Polysomnographic Technician. To exclude the Polysomnographic Technologists from the union's bargaining unit would create work jurisdiction issues and render the union's bargaining unit inappropriate. Accordingly, the union's bargaining unit shall be clarified to include the Polysomnographic Technologist job class.

## DISCUSSION

### Applicable Legal Standards

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. When this agency certifies a bargaining unit, the work performed by the employees in that bargaining unit becomes the historic work jurisdiction of that unit. *See, e.g., Kitsap County Fire District 7, Decision 7064-A (PECB, 2001)*(bargaining unit work is defined as “work historically performed by bargaining unit employees”).

Ordinarily, employees are permitted a voice in the selection of an exclusive bargaining representative. RCW 41.80.080. Accretions are the exception to the statutory rule of employee free choice. An accretion may be ordered when unrepresented employees logically belong in only one existing bargaining unit and the positions can neither stand on their own as a separate unit or be logically accreted to any other existing bargaining unit. *Pierce County, Decision 6051-A (PECB, 1998), citing City of Auburn, Decision 4880-A (PECB, 1995)*. The employees will be

placed in the existing bargaining unit without the benefit of being able to vote on representation. In order for an accretion to be directed, the resulting bargaining unit must be an appropriate unit. The party proposing accretion bears the burden of demonstrating that the conditions for accretion are present. *Pierce County, Decision 6051-A.*

#### Application of Standards

The Sleep Medicine Center at Harborview Medical Center providers treat sleep disorders, including sleep apnea, narcolepsy, insomnia, restless leg syndrome/periodic limb movement disorder, and circadian rhythm abnormalities. The Sleep Medicine Center employs positions in the Polysomnographic Technician 1 and 2 job classes.

Polysomnographic Technicians conduct sleep studies and perform diagnostic tests to determine the origin of sleep-related disorders. They also conduct all types of sleep studies including overnight polysomnography and portable sleep studies. They also tabulate, interpret, and communicate the outcome of studies.

The Polysomnographic Technologist is in the same job series as the Polysomnographic Technicians. The Polysomnographic Technologist performs the same work as the Polysomnographic Technician 2 but is also responsible for providing work direction to all of the Polysomnographic Technicians. Both the Polysomnographic Technicians and Technologists must be a graduate of an AMA-approved school of respiratory care, electroencephalogram diagnostics or polysomnography. At the Sleep Medical Center, the Polysomnographic Technicians and Technologists have similar working conditions.

Including the Polysomnographic Technologists in the union's bargaining unit ensures that bargaining units continued appropriateness. The Polysomnographic Technologist and Polysomnographic Technicians share similar duties, skills, and working conditions which demonstrate that they possess a community of interest with each other. Furthermore, if the Polysomnographic Technologists were excluded from the union's bargaining unit, work

jurisdiction issues would be created. Accordingly, the Polysomnographic Technologist is added to the union's bargaining unit without the need of an election.

#### FINDINGS OF FACT

1. The University of Washington is a public employer within the meaning of RCW 41.80.005(8).
2. Service Employees International Union, Local 925 (union) is a bargaining representative within the meaning of RCW 41.80.005(7).
3. The union represents a bargaining unit of employees in the employer's workforce that is currently described as follows:

All full-time and regular part-time Polysomnographic Technician, Anatomic Pathology Technician Trainee, Anatomic Pathology Technician, Anatomic Pathology Technologist, Clinical/Medical Technologist 1 and Clinical Autopsy Coordinator employed at the University of Washington at Harborview Medical Center, excluding supervisors, confidential employees and all other employees.

4. Polysomnographic Technicians conduct sleep studies and perform diagnostic tests to determine the origin of sleep-related disorders. They also conduct all types of sleep studies including overnight polysomnography and portable sleep studies. They also tabulate, interpret, and communicate the outcome of studies.
5. The Polysomnographic Technologist is in the same job series as the Polysomnographic Technicians.
6. The Polysomnographic Technologist performs the same work as the Polysomnographic Technician 2 but is also responsible for providing work direction to all of the Polysomnographic Technicians. Both the Polysomnographic Technicians and

Technologists must be a graduate of an AMA-approved school of respiratory care, electroencephalogram diagnostics or polysomnography.

7. If the Polysomnographic Technologists were excluded from the union's bargaining unit, work jurisdiction issues would be created.

#### CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.80 RCW and Chapter 391-35 WAC.
2. Based upon Findings of Fact 3 through 7, the Polysomnographic Technologists only share a community of interest with the employees in the bargaining unit described in Findings of Fact 3.
3. Based upon Findings of Fact 3 through 7, the bargaining unit described in Findings of Fact 3 would be rendered inappropriate under RCW 41.80.070 if it did not including the Polysomnographic Technologist job class.

#### ORDER

The bargaining unit described in Findings of Fact 3 shall be modified to include the Polysomnographic Technologist job class. The unit definition shall be modified as follows:

All full-time and regular part-time Polysomnographic Technician, Polysomnographic Technologists, Anatomic Pathology Technician Trainee, Anatomic Pathology Technician, Anatomic Pathology Technologist, Clinical/Medical Technologist 1 and Clinical Autopsy Coordinator employed at the University of Washington at Harborview Medical Center, excluding supervisors, confidential employees and all other employees.

ISSUED at Olympia, Washington, this 7th day of March, 2017.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "M. Sellars", 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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### RECORD OF SERVICE - ISSUED 03/7/2017

DECISION 12665 - PSRA has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

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